tion which would extend the provisions of the act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of officers of the Fifteenth Infantry Regiment, of New York, favoring legislation proposed or favored by the National Guard Association; to the Committee on Military Affairs.

By Mr. DARROW: Resolution of District Association No. 1 of the Graduate Nurses' Association of Pennsylvania, urging legislation providing relative rank for members of the Army Nurse Corps; to the Committee on Military Affairs.

By Mr. DYER: Petition of St. Louis Chamber of Commerce, of St. Louis, Mo., urging the immediate enactment of the Mondell bill, House bill 487; to the Committee on the Public Lands.

Also, petition of W. W. Wheeler, of St. Louis, Mo., opposing the Moses bill; to the Committee on Labor.

By Mr. FULLER of Illinois: Petition of the American Defense Society (Inc.), favoring the Chamberlain-Kahn bill, providing for universal military training; to the Committee on Military Affairs.

Also, petition of the Refior Hardware Co., of Ottawa, Ill., opposing Senate bill 2896, relating to the manufacture, storage, sale, purchase, and use of explosives, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stewart-Warner Speedometer Corporation, of Chicago, Ill., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Southern Newspaper Publishers' Association, favoring the zone system for second-class mail; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Hamilton, Mo., favoring legislation to increase the pensions of the Civil War veterans; to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of Benevolent and Protective Order of Elks, favoring the passage of House bill 5131, providing for a suitable memorial in honor of the negro soldiers and sailors; to the Committee on the Library.

By Mr. HUDDLESTON: Petition of George C. Bettis and other ex-service men in support of bill providing for one year's pay for such ex-service men; to the Committee on Appropriations.

By Mr. LONERGAN: Petition of Waltham Bleachery and Dye Works, of Boston, Mass., opposing the licensing feature of the so-called Longworth bill, House bill 8078; to the Committee on Ways and Means.

By Mr. O'CONNELL: Telegram from R. T. Lyman, of Boston, Mass., opposing the licensing feature of the so-called Longworth bill; to the Committee on Ways and Means.

Also, petition of Best & Co., of New York City, protesting against the passage of the Siegel bill; to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of 5,000 citizens of Los Angeles, Calif., and vicinity, for the repeal of sections 630 and 900 of the revenue law, which impose taxes upon soda-fountain drinks, ice cream, and candy; to the Committee on Ways and Means.

By Mr. RAMSEYER: Petition of sundry citizens of Wapello County, Iowa, favoring the passage of House bill 5218; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of War Camp Community Service, of New York City, urging support of Senate bill 2535; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of R. M. Sheldon, of Thief River Falls, Minn., favoring legislation proposing exemption of farm-mortgage loans from taxation; to the Committee on Ways and Means.

By Mr. YATES: Petition of the National Association of Hosiery & Underwear Manufacturers (Inc.), protesting against House bill 8078; to the Committee on Military Affairs.

Also, petition of J. Ivan Dappert Post, of the American Legion of Illinois, Taylorville, Ill., by Samuel B. Herdman, protesting against the restoration to duty in and honorable discharge from the Army with all back pay and allowances of conscientious objectors; to the Committee on Military Affairs.

Also, petition of the Indiana Sand & Gravel Producers' Association, Indianapolis, Ind., urging the passage of the Cummins bill as originally passed by the Senate and not as amended by the House Committee on Interstate and Foreign Commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Crane Co., Chicago, urging the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of C. M. Aldrich, Nebraska City, Nebr., urging the passage of legislation providing for military training; to the Committee on Patents.

Also, petition of the Mississippi Valley Association, New Orleans, La., favoring the development of water power of the country, but opposing inclusion in the pending water-power bill of any provision that has the effect of repealing the Newlands amendment to the rivers and harbors bill of 1917; to the Committee on Rivers and Harbors.

Also, petition of the Knights of Pythias Domain of New York, Haverstraw, N. Y., pledging aid to Government in stamping out Bolshevism; to the Committee on Military Affairs.

Also, petition of E. B. Peter, Chicago, Ill., urging the passage of Senator CHAMBERLAIN's bill relative to the release of court-martialed soldiers, sailors, and marines; to the Committee on Military Affairs.

SENATE.

THURSDAY, *September 25, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lead us by Thy grace and wisdom unto the duties of this day. With the far-seeing vision of men who have come to their duty from the place of God and who are performing their tasks under the influence and inspiration of Thy holy Spirit, may we to-day do that which is well pleasing in Thy sight, and add something to the total of the uplift of mankind and the advancement of the interests of all the people of this country. For Christ's sake. Amen.

On request of Mr. NELSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MEAT PACKERS' PROFITS INVESTIGATION.

Mr. NORRIS. Mr. President, yesterday morning when the Vice President laid before the Senate the reply of the Federal Trade Commission to a resolution of the Senate asking for information I asked that the communication and also the exhibits accompanying it be printed in the RECORD and referred to the Committee on Agriculture and Forestry. I find upon an examination of the RECORD that the communication was printed in the RECORD, but the exhibits were not printed. The exhibits, I understand, in this case contain most of the meat of the coconut, and since they were ordered printed yesterday I ask that the three exhibits attached to the communication of the Federal Trade Commission be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair desires to say to the Senator from Nebraska that he does not believe the RECORD can come out to-morrow if they print those exhibits in it.

Mr. NORRIS subsequently said: Mr. President, this morning I asked and obtained unanimous consent to have printed in the RECORD the exhibits that were attached to the Federal Trade Commission's report that came in yesterday and that were omitted from the RECORD. Upon consultation with several Senators, it is deemed best that this matter be published as a Senate document instead of being printed in the RECORD. I therefore ask unanimous consent to have the report and the exhibits printed as a Senate document, and if that is granted I shall withdraw my former request.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). If there be no objection, it is so ordered.

Mr. NORRIS. I now withdraw the request I made this morning to have the matter printed in the RECORD.

The PRESIDING OFFICER. The order for the printing in the RECORD is rescinded.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 9091) granting the consent of Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River.

The message further announced that the House had passed the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2972) to extend the cancellation stamp privilege for the Roosevelt Memorial Association, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE presented a memorial of the Nineteenth Biennual State Convention of the Ancient Order of Hibernians and Ladies' Auxiliary of the Ancient Order of Hibernians at Danbury, Conn., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. LODGE presented a memorial of sundry citizens of Boston, Mass., and a memorial of the St. Brendan Society of Boston, Mass., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Church of Aberdeen, Wash., praying for the withdrawal of the Japanese from Korea, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of a committee appointed by the mayor of San Francisco, Calif., praying for the adoption of a free zone system, which was referred to the Committee on Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3076) authorizing suits against the United States in admiralty suits for salvage services and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 3077) to provide for the transportation to their homes of the remains of persons who died abroad while in the military service, and for other purposes; to the Committee on Military Affairs.

By Mr. GERRY:

A bill (S. 3078) for the relief of Charles B. Malpas; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 3079) for the allowance of certain claims of the guards and watchmen employed at munition plants and allied trades at Bridgeport, Conn., subsequent to May 1, 1918; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 3080) granting a pension to Charles A. Dilley; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3081) to construct a public building for a post office at the city of Waynesboro, Ga.; to the Committee on Public Buildings and Grounds.

A bill (S. 3082) granting an increase of pension to Mary A. C. Kaigler; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3083) directing the Court of Claims to investigate the claim of T. T. Murphy for compensation for injuries received in Government service (with accompanying paper); to the Committee on Claims.

A bill (S. 3084) permitting actions on claims against telegraph, telephone, marine cable, or radio companies during Federal control; to the Committee on Interstate Commerce.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., was read twice by its title and referred to the Committee on Military Affairs.

TREATY OF PEACE WITH GERMANY.

Mr. CUMMINS. Mr. President, I desire to give notice that tomorrow, at some convenient time when I can get recognition, I shall address the Senate upon the German treaty.

BILLS OF EXCHANGE.

Mr. McLEAN. I ask unanimous consent to move that the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, be taken up in order that the point of order made by the Senator from Wisconsin [Mr. LENROOT] may be disposed of. That point of order was pending when the Senate went into executive session day before yesterday. I have no objection to its being disposed of, and after it is disposed of I want to move that the bill be recommitted to the Committee on Banking and Currency.

The VICE PRESIDENT. Is there further morning business? The Chair hears none.

Mr. NELSON. I ask unanimous consent for the present consideration of Senate joint resolution 102 on the calendar.

The VICE PRESIDENT. The Senator from Connecticut has preferred a unanimous-consent request. The Chair believes that the point of order is now before the Senate, that it is a question of the very highest moment to determine what is the decision of the Senate with reference to the point of order made by the Senator from Wisconsin. Unless there is an objection, the Chair will state the question. Shall the ruling of the Chair stand as the decision of the Senate?

Mr. LENROOT. Mr. President, I shall take only a moment in recalling to the Senate just what is the point of order that was discussed the other day.

This bill it is admitted was never considered by the Committee on Banking and Currency. It is admitted that there was never any vote in that committee upon the bill. It is admitted that the bill came before the Senate upon an individual poll of Senators constituting a majority of the committee. The point of order made is that the bill is improperly upon the calendar, is improperly before the Senate, and in fact is still before the committee, and the decision of the Chair ruling to the contrary is appealed from. It does not seem that there ought to be any question about this proposition. Jefferson's Manual is explicit in that a committee can not act except when they meet and assemble together and vote.

I want especially to call the attention of the minority, who the other day voted to sustain the ruling, as to the position they will be in in the future in regard to legislation if the ruling should be sustained. If the ruling is sustained any Senator who is a member of a committee and chose to do it could send a bill to the Secretary's desk purporting to be the act of the committee without even a poll of the members of the committee and get the bill upon the calendar, and the Senate would be compelled to act upon it as if it was properly upon the calendar. I was amazed, Mr. President, at the vote upon the other side upon the proposition.

Is it possible that the Senate of the United States is to make a precedent now that a bill referred to a committee need never be considered by that committee, that the minority members of the committee shall not have the right to meet in the committee and discuss it and deliberate upon it and propose amendments to it? If the majority members of a committee, in order to cut off the right of the minority, prefer to take the course of merely going to majority members and getting their consent to the reporting of a bill, what protection has the minority? No protection whatever. It is absolutely destructive of the right of individual Senators. It is absolutely destructive of the right of members of committees.

Mr. President, the difficulty of securing quorums of committees came up not many years ago, and an amendment to the rules was adopted at the suggestion of the then Senator from Arkansas, Mr. Clarke. There was a very long debate upon the adoption of that amendment to the rules, and it was admitted by every Senator that it was absolutely necessary to meet in committee in order to give validity to a report of a committee. It was provided that a quorum might consist of one-third of the membership of any committee if the committee so voted, but, in order to protect the rights of the minority, it was also provided that in that event a bill could not be reported unless the report was concurred in by a majority of the full committee; in other words, it was provided that while one-third of the membership of the committee might constitute a quorum, a majority of such a quorum could not report a bill, but that such report required a majority of one-fourth of the entire membership of the committee. That rule was adopted with that understanding.

But what have we before us now? We have now a proposition proposed to be sustained by the minority that no meeting of a committee is necessary at all; that instead of one-third of the committee being necessary to constitute a quorum, it is not necessary to have anyone present in the committee room; that it is not even necessary to hold a meeting of the committee in order to give validity to a report.

Mr. JONES of Washington. The Senator said "a majority of one-fourth." The Senator means, I assume, a majority of one-half.

Mr. LENROOT. A majority of one-half of a majority, constituting at least one-fourth of the entire membership of the committee.

Mr. McCUMBER. May I ask the Senator a question, merely for the purpose of having his own view upon a certain phase of the case?

Mr. LENROOT. Certainly.

Mr. McCUMBER. I agree with the Senator entirely that a proposed report signed by members outside of the committee room is not the action of the committee in law or in fact; but suppose that such a report is presented in that form carrying

the signatures of a majority of all of the committee, and the Senate understands that it comes in that form; and with that understanding, without objection upon the part of a single Member of the Senate, the matter is considered by the Senate, is amended and passes through the Senate as in Committee of the Whole, is again discussed and amended in the Senate, and ultimately reaches the point of a final vote in the Senate, can any Senator at that time raise the objection that the bill has not been considered by the committee and force it back to committee? In other words, can all of the consideration and action by the Senate be destroyed through all of these several stages by a mere objection at the very point when the bill comes up for a final vote? In other words, is there such a thing as a waiver of the rule by the action of the Senate?

Mr. LENROOT. Mr. President, I am very glad to answer the question of the Senator from North Dakota. I say there is and can be no waiver of the rule of the Senate under the rules of the Senate. That has been held very recently by the Vice President in a case that he well remembers, the point being raised by the Senator from Mississippi [Mr. HARRISON] as to whether a point of order could be made after the Senate had proceeded with the consideration of a bill. The House rule is to the contrary, but the Senate rule expressly providing that a point of order may be made at any stage of the proceedings, the Chair very properly held that the point of order could be made at any time.

Mr. McLEAN rose.

Mr. LENROOT. Just a moment. I should like to finish my reply to the Senator from North Dakota [Mr. McCUMBER].

The point here is that the Senate has no jurisdiction of this bill. It is exactly analogous to a case in the civil courts where at any time, even after a decree is entered, if it develops that the court has not jurisdiction, no matter how far the proceeding has gone, it all must fall, of course. That is exactly the principle applied to this case. But even though it were otherwise, Mr. President, if a bill comes to the Senate, presumably in regular form, appearing upon the calendar in regular form, so that Senators have the right to believe that the committee to whom that bill was referred has acted upon it in a regular way, if later in the proceedings it develops for the first time, and then comes to the knowledge of the Senate for the first time, that that bill has never been acted on by the committee, surely it can not be said that there is any waiver in that case. That is exactly the situation with reference to this bill.

On the last day the bill was considered, at the very conclusion of its consideration, it developed for the first time that there had never been a meeting of the committee; it was then stated by members of the committee that the bill had been reported upon a poll of the committee; and I want to say to the Senate that at that time I stated, and there were other Senators who stated—the Senate had just concluded the consideration of the bill and it was going over—that we proposed to make the point of order; and I made the point of order at the first opportunity when the bill again came up.

Mr. POINDEXTER and Mr. ASHURST addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Washington,

Mr. POINDEXTER. Does the Senator from Wisconsin claim that the Senate would not have jurisdiction to consider and to act upon a bill without referring it to a committee?

Mr. LENROOT. It could only do so by unanimous consent. The Senate can do anything by unanimous consent.

Mr. POINDEXTER. We can not change the rules of the Senate by unanimous consent.

Mr. LODGE. The rules may be suspended by unanimous consent.

Mr. POINDEXTER. That may be done, although there is a provision that notice must be previously given before the rules can be suspended. Does the Senator from Wisconsin claim that the Senate could not by a majority vote recommit a bill to a committee?

Mr. LENROOT. The Senate could do that if the bill were before the Senate; but the point is that this bill is not before the Senate.

It happens to be physically in possession of the Secretary of the Senate; it happens to be placed upon the calendar, the Secretary presuming, of course, that it was reported and that the report was the report of the committee. Now, however, it develops that the committee had never considered the bill; that it had never voted to report it; that it had never authorized the chairman to make a report. The bill is physically here, but it is not within the jurisdiction of the Senate.

Mr. McCUMBER. Mr. President, may I ask the Senator from Wisconsin another question right here?

Mr. LENROOT. Yes.

Mr. McCUMBER. Suppose, however, that without reference to a point of order being raised, or, if it were raised, that a bare majority of the Senate should vote that the bill was properly before the Senate notwithstanding the fact recited by the Senator from Wisconsin, and the bill should finally be passed by the Senate and by the other House, does the Senator from Wisconsin claim that it then would not be a valid law?

Mr. LENROOT. Oh, no.

Mr. McCUMBER. Then it would naturally follow that a bill may be taken possession of by the Senate and finally disposed of by the Senate notwithstanding the fact that the committee did not act on it in committee?

Mr. LENROOT. If the Senate wishes to violate its rules, yes. The Senator, of course, is very familiar with the well-settled principle of law that it is the final act of the legislative body upon a bill that determines its validity. Every rule might be violated; a bill might not be in possession of the Senate at all; and yet, if the Senate acted upon that bill and sent it over to the House, although it might have been before the committee and never have come properly before the Senate, and the House concurred in it and the President signed it, it would be a valid law, because the courts will never inquire into the parliamentary stages preceding the passage of a bill. I now yield to the Senator from Arizona.

Mr. ASHURST. I beg the Senator's pardon. I desired to occupy five or six minutes, and I will not interrupt the Senator now.

Mr. LENROOT. I will conclude in just a moment.

Mr. McCUMBER. Mr. President, let me ask the Senator right here does not the conclusion of the Senator's own argument mean that, even though the rule has been violated so far as the report by the committee is concerned, the Senate may lawfully get hold of the bill again and pass it, and that it will be valid when it is passed only because it was lawfully before the Senate?

Mr. LENROOT. The Senate can break every rule if it chooses that it has enacted for the conduct of its proceedings. It need not refer a bill to a committee at all, although the rule expressly provides that it shall; and if the Senate should refuse to do that and pass the bill it would be a valid law, of course; but we are acting under the rules of this body, and under the rules of this body this bill is not before the Senate, is not within the jurisdiction of the Senate, and can not be within the jurisdiction of the Senate without violating the rules of the Senate. That is the point. Now, I wish to repeat——

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Yes.

Mr. SMITH of Georgia. What becomes of the amendments the Senate put on this bill?

Mr. LENROOT. The action of the Senate, if the point of order is sustained, is of no avail whatever, any more than the action of a court upon a case not within its jurisdiction has any validity.

Mr. ROBINSON. Mr. President, will the Senator yield to a further question in that connection?

Mr. LENROOT. Yes.

Mr. ROBINSON. Do I understand the Senator to assert that, the announcement having been made in the Senate some days ago that this bill had been reported by a poll and without a formal meeting of the committee, and the Senate having considered the bill for several days and amended it and no point of order up until that time having been made, if the point of order be now made and sustained that the Senate has no jurisdiction of the bill, that such action ipso facto reverses the action of the Senate on the amendments heretofore agreed to? Does the Senator assert that sustaining the point of order now affects the proceedings of the Senate in relation to the amendments?

Mr. LENROOT. Of course it does; there can be no doubt as to that proposition.

Mr. ROBINSON. If the Senator will pardon me, there is not only doubt about it in the minds of some of us, including myself, but, in my opinion, his proposition can not be maintained either in sound reason or good argument.

The Senator will concede that the Senate might have proceeded to the consideration of this bill by unanimous consent, it being known to the Senate and announced on the floor that the report had been made by poll rather than after a formal meeting of the committee. The Senate having acted upon the matter, if the bill goes back to the committee now it goes with the amendments adopted by the committee, unless the Senate by formal action reconsiders the amendments heretofore adopted.

The Senator, in making his statement of the facts relating to this case, did not state all of the facts which, I believe, are germane to a fair consideration of the point of order; and if

he will pardon me for supplementing his statement in his time, I will do so. The facts are that this bill was referred to the committee on August 1, 1919; on August 15, 1919, it was reported without amendment, according to the record. It appears to be true that the committee held no formal meeting, but that a majority of the committee, pursuing a custom which has obtained in the Senate for many years, agreed to the report by the process that we know as a poll of the committee, and subsequently the Senate, on motion, proceeded to the consideration of the bill. The statement was made during the course of the debate on the bill repeatedly that no formal meeting of the committee had been had, but that the report had been made as a result of a poll. Amendments were proposed and agreed to. In the meantime the chairman of the committee, the Senator from Connecticut [Mr. McLEAN], in order to obviate that difficulty, called a formal meeting of the committee. He took extraordinary precaution to protect the rights of members of the committee and of the committee itself by writing to each member of the committee, inclosing a copy of the bill, and stating that a meeting of the committee would be held to consider the bill.

After he had done that, a meeting of the committee was held, and no action was taken by the committee reversing the action that had theretofore been taken by the process of a poll of the committee. When the Senate was about ready to vote on the passage of the bill, the Senator from Wisconsin made the point of order that the bill had not been properly reported, and the Chair overruled that point of order, giving as his reason the opinion, as I understood the then occupant of the chair, that a point of order was not the proper procedure in such cases; that under the practice of the Senate the proper procedure when a committee exceeds its jurisdiction with reference to a bill or a report is to move to recommit the bill.

Mr. LENROOT. Will the Senator yield at that point?

Mr. ROBINSON. Just a moment. And the correctness of that ruling he supported by reference to the amendment that was adopted by the Senate some time ago with respect to conference reports which did not embrace the reports of standing committees. That, I understand, is the true history of the case. Further than that, an appeal was taken from the decision of the Chair, and a motion was made to lay that appeal on the table, and that motion was lost by a vote of 35 to 37.

If the Senator will pardon me for further trespassing——

Mr. LENROOT. If I may just say——

Mr. ROBINSON. I concede the Senator's right to proceed, but ask that he yield.

Mr. LENROOT. I do not yield further for the moment.

Mr. ROBINSON. Very well. I, of course, will resume my seat.

Mr. LENROOT. No; I will yield to the Senator in just a moment. I want to reply just at that point.

The Senator speaks of the report of a conference committee, and the change in the rules with reference to a point of order being made to that. In that case the conference committee always had jurisdiction to make the report. In every case the committee did act——

Mr. ASHURST. Mr. President, will the Senator yield on that point for a moment?

Mr. LENROOT. Just let me finish this statement. The only question was whether that conference committee, acting as a committee properly, had exceeded its authority; and the rule was made that where they had exceeded their authority a point of order might lie. In this case, however, the committee has not acted at all. There is no report of the committee. The distinction is very clear.

Now, I yield further.

Mr. ASHURST. Will the Senator please inform the Senate when he discovered the startling fact that a committee had not considered this bill? Did he discover it at the moment he made the point of order, or did he wait until he saw that the bill was about to be passed, and then, as a last and desperate resort, rush to this point a month after the bill had been considered in the Senate?

Mr. LENROOT. There is no warrant whatever for any such reflection upon the part of the Senator from Arizona.

Mr. ASHURST. I intended none.

Mr. LENROOT. If the Senator will examine the RECORD he will find when this information first came before the Senate.

Mr. ASHURST. No; but let the Senator answer the question.

Mr. LENROOT. I will answer the question—that the RECORD will show that this information first came to the Senate upon the last day when it was considered prior to my making the point of order, and I only took such time as was required to look up the parliamentary situation, and I stated here to other Senators that I intended to make the point of order. The Senator from New Jersey [Mr. FRELINGHUYSEN] at the same time said that he intended to make the point of order. If there could be a question of waiver, there is no waiver in this case.

The VICE PRESIDENT. The Chair must call the attention of the Senator from Arizona to the fact that he was acting as Presiding Officer when he made the ruling.

Mr. ASHURST. The Senator thanks the Chair, and desires to make an observation, if the Senator will permit.

Mr. LENROOT. I was about to yield to the Senator from Arkansas first, but I will yield to the Senator from Arizona.

Mr. ASHURST. I have no pride of opinion on this question. I do not pretend to be more familiar with the rules of the Senate than the average Senator; but, happening to be called to the chair, the point of order was made by the Senator from Wisconsin, who now displays so much heat over the matter. I repeat I have no pride of opinion whatever.

Mr. LENROOT. Will the Senator yield? I have no heat, except as to the reflection which the Senator from Arizona was attempting to cast upon me.

Mr. ASHURST. If the Senator thinks that a reflection, I will, of course, here publicly say that I intended no reflection, except that in my country the police courts would not permit such trifling; and I do not mean, now, that the Senator has trifled. What I mean is this: That where a case has been pending for a month and important proceedings have been had, the point comes too late. But, waiving that question, because our rules say that the point can be made at any time, this mattr can be settled easily, in my judgment, and this will address itself to the mind of any lawyer. There is not a lawyer in this Chamber but that will see the force of this suggestion upon which the Chair predicated the ruling and which has precipitated all of this trouble.

I assert here that for a hundred years when conferees exceeded their jurisdiction the remedy was to move to recommit. The so-called Curtis amendment to the rules—a very good amendment, too—was adopted in the Sixty-fifth Congress. It is now subdivision 2 of Rule XXVII. That rule provided that—

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report.

For a hundred years points of order would not lie against conference reports where the conferees exceeded their jurisdiction. For a hundred years points of order would not lie against the reports of standing committees when they exceeded their jurisdiction and reported back a bill without a quorum of the committee considering the bill. For a hundred years the method of procedure was to move to recommit. But the Senate took up the subject of reports of *conference* committees, and *said* that hereafter, as to the reports of conference committees, whenever the conference committees exceeded their jurisdiction the remedy should be by point of order. The Senate did not see fit to deal with the reports of standing committees; and every lawyer who ever tried a case knows that the expression of one thing is the exclusion of the other. If the Senate had intended to apply the rule to standing committees, it would not have selected *conference* committees and then excluded standing committees. The then occupant of the chair was bound to rule on that question in that way, and, he repeats, has no pride of opinion, no pride of expression; but is the Senate to be trifled with—and I again assert to the Senator from Wisconsin that I mean no reflection—but are we to do useless, idle things? Are we to sit here and gravely discuss a bill for a month, amend the bill, and then find that the committee is master, and not the Senate? The committee is only a creature of the Senate.

I have said this much upon the solicitation of Senators on both sides of the Chamber who are interested in the ruling. I regret the necessity of having said it; but, to my mind, the Chair could have made no other ruling except that one which addressed itself to lawyers.

I thank the Senator from Wisconsin for yielding to me.

Mr. LENROOT. Mr. President, I do not question for a moment that the Senator who made this ruling has used his very best judgment; but let me draw his attention to the distinction that should be made between the case that he speaks of and this case, and I am sure it will readily appeal to him as a lawyer.

Suppose that a bill had been referred to a conference committee and some member of that committee, without the conferees ever meeting or ever considering the bill, undertook to make to the Senate what purported to be a conference report, when it was not a conference report at all. Does the Senator think for a moment that a point of order would not lie against that action?

Mr. ASHURST. Answering the Senator's question, assuming that the conferees have signed a conference report and have never met, a conference report must be signed, and signed by a majority of the conferees. The reports of standing committees, however, are not signed. The record can not be impeached by the mere statement of a Senator. The record of the Secretary shows that a report was made. The bill prima facie stands before the Senate. What does this mean? On the printed Calendar of the Senate for a month is Order of Business No. 126, H. R. 7478, reported by Mr. PAGE from the Committee on Banking and Currency. Is the Senate at all times to suspect that its calendar is an entrapment proceeding; that the Secretary fills up the calendar each morning with matters that are improperly there? If a Senator makes a report, and that report is later to be impeached, and it is to be asserted that he made it without authority, where do we stand? Are we children making mud pies and wasting the country's time and our own, or are we men engaged in serious business of the Republic of the United States? Shall we put the plain, the practical, and the common-sense interpretation upon this rule? I say this with great respect, for the Senator is familiar with the rules of the House, and he has fallen into error, if he will pardon me, on that account. I say this courteously, because I doubt if there be a Member in the other branch of Congress who is more familiar with the rules of the House than is the Senator from Wisconsin; but the Senator must remember that the Senate has never adopted Jefferson's Manual. Possibly the Senate should adopt Jefferson's Manual, but it has not done so, and I do not believe that Jefferson's Manual is referred to in the rules at all, although I do concede that the philosophy of Jefferson's Manual is the underlying philosophy of these rules. Yet just as a statute law repeals the common law the rules of the Senate have repealed Jefferson's Manual wherever they are in express or even implied conflict.

I again thank the Senator.

Mr. LENROOT. Mr. President, to bring the illustration of conferees so that it will be exactly like this case the Senator says that the presumption is when a conference report is signed that the conferees have met. That is true; but suppose a conference report is signed by only a majority. One of the conferees does not sign, and when the report is made he gets up in the Senate and states that there never was a meeting of the conferees upon the proposition. The chairman of the conferees gets up and says that that is true, that the conferees never met, but a majority signed the report. Does the Senator think that a point of order would not lie?

Mr. ASHURST. Mr. President, will the Senator yield again? That question was tested out, not once, but upon numerous occasions in the Senate, where the conferees exceeded their jurisdiction.

Mr. LENROOT. Oh, it is not a case of exceeding their authority. It is a case of making a report.

Mr. ASHURST. All right. That has been tested out, since I have been in the Senate, two or three times. I remember upon one distinct occasion a point of order was made against a report——

Mr. LENROOT. Upon what ground?

Mr. ASHURST. Upon the ground that they had inserted matter.

Mr. LENROOT. Certainly; but that is not this case. Does not the Senator see that there is a difference between a report where they exceeded their authority and a case where there is no report at all?

Mr. ASHURST. All right. Granting the Senator's position, I again assert that that was not the remedy as to conference reports until the so-called Curtis rule was adopted; and if a point of order was the remedy, why did the Senate adopt the Curtis rule in the Sixty-fifth Congress? Did we again do a vain thing? Could we reasonably make a point of order against a conference report and yet at the same time adopt a rule permitting us to make a point of order against a conference report? Are we to sit here forever spinning all the time and weaving nothing? Are we never to make progress? There was no such *proccdurc* as a point of order against a conference report until the adoption of the Curtis rule. If so, why did we adopt the Curtis rule?

Mr. LENROOT. It is very easy to explain that. That was a case where they made their report after due consideration, but had exceeded the authority granted to them by the Senate. I thought the distinction was clear to the Senator from Arizona. I am surprised that it is not. But the Senator from Arizona now takes the position that while under the rules a point of order can be made if they exceed their authority, if this ruling be sustained, and we appoint a conference committee, they never would have to meet; all they would have to do would be for a majority of them to sign a report, upon which the conferees would never vote, upon which the member of the minority has never had a chance to participate, and it would be a valid document. It is absurd and preposterous, Mr. President, that a point of order would not lie in a case of that kind.

Mr. NELSON. Mr. President, I want to make one suggestion. The chairman of the committee is desirous of having the bill recommitted to the Committee on Banking and Currency. If a motion is made to that effect and carried, why would not that settle the matter for the present? In my opinion, the discussion is to some extent academic. The objection the Senator from Wisconsin makes could have well been made when the bill was reported; but no objection having been made at that time, and the Senate having taken up the bill and considered it and amended it, that is equivalent to unanimous consent. It is a rule in judicial proceedings that ordinarily you must make an objection at the proper time. The proper time to have made the objection, and it would have been a valid one, was when the bill was reported. But after the bill had been placed on the calendar and had been taken up and considered and amended, it seems to me the objection came too late.

Mr. LENROOT. Will the Senator yield?

Mr. NELSON. I yield.

Mr. LENROOT. The House of Representatives, as Senators are well aware, has a rule providing for reserving points of order, and unless points of order are reserved, objection can not afterwards be made in a case like the present; but there is no rule of the Senate which permits the reserving of points of order; the rule expressly provides that a point of order may be made at any time. If a Senator were compelled to make a point of order when a bill was reported, and there was no knowledge, and could be none, upon the part of any Senator, execept the members of the committee, that they had taken a poll, how can it be said that the Senator has waived his right?

Mr. KELLOGG. Mr. President, I do not pretend to be an expert on parliamentary law or the precedents of the Senate, but there is probably no reason why I should not give my opinion upon this question.

It seems to me the question is divided into two parts. In the first place, can a committee act without meeting, simply upon a poll? In the second place, has the point of order been waived?

It would seem, as a matter of plain common sense, that the Senate is entitled to the collective judgment of a committee, which meets, where everyone is entitled to be present and express his opinion. We all know that a man does not give the consideration to a bill when he is approached and asked to consent to its being reported that he gives when he meets with a committee and discusses the measure. What the Senate is entitled to is the judgment of a committee, and I know of no way by which a committee can legally act, unless there is some rule to the contrary, except by meeting and voting upon the report of a bill. That is the universal law as to boards of directors of corporations and as to directors of all kinds of institutions where the law does not provide that they must meet. The implication is that they must meet, be present and vote, and that they can not act as a body unless they do meet. I should say that it would be a very dangerous rule, if committees of the Senate could simply act by the chairmen polling them, and I should think if the point of order were made, certainly when the bill comes into the Senate it would be sent back to the committee.

Mr. KNOX. Mr. President——

Mr. KELLOGG. I yield.

Mr. KNOX. I am curious to know, then, whether the position of the Senator would take him so far logically that it would strike down the practice of Senators being counted for a quorum? Is that subject to the same objection?

Mr. KELLOGG. I think it is. I do not think Senators can be counted for a quorum if there is an objection made, and I do not think they should be. I think the committee, in order to act, must meet, the same as a board of directors.

Mr. NORRIS. May I interrupt the Senator on that particular point?

Mr. KELLOGG. Certainly.

Mr. NORRIS. Is it not true that it is a universal practice that is followed without exception that nobody is counted for a quorum except by unanimous consent, and that any Member may object to another casting a vote in the place of some one else?

Mr. KNOX. That does not touch the proposition of the Senator from Minnesota [Mr. KELLOGG]. His proposition, as I understand it, is that in respect to a corporation, and in respect to the Senate, what the stockholders are entitled to and what

the Senate is entitled to is a meeting and an exchange of views upon any proposition that is submitted. You can not have an exchange of views if by unanimous consent you let three-fourths of the committee stay away and the other fourth do the business.

Mr. NORRIS. That is the rule. Of course, it can be waived, as the action on this bill can be waived, by unanimous consent. If nobody objected some member could cast somebody else's vote.

Mr. KNOX. That was why I raised the question originally, to get the view of the Senator from Minnesota on that point.

Mr. KELLOGG. I think the Senator is right. If the point is made, an absentee could not be counted, of course. I had supposed that to be the practice, because in the committees on which I have served members have been asked if there was any objection to the counting of absentees for a quorum. But, of course, that does not prevent bills being reported upon a poll of the committees having them in charge, and I presume that will always be done, more or less. However, I should say the point of order could be made to it.

The next question, which is a different question, is whether the point of order must be made before the bill is considered in the Senate. As the object of a committee meeting to consider a bill is to give the Senate its opinion, and an opinion that is worth something—because we all know every Senator can not investigate fully every bill—it would see that the Senate is just exactly as much entitled to the opinion of the committee after it has been discussing the bill for one day, or one hour, or 10 minutes, as it was before; and it would seem, until the bill had been passed, while it is in its preliminary stages, as though the point of order might be made and the bill sent back to the committee. Of course, in this I may be mistaken; but it would seem to me that that would be the practical construction to be placed upon the rule.

Of course, the object of having the opinion of the committee is to benefit the Senate. The fact that some one arose to discuss the bill a few moments would not make it any less necessary that the committee give the bill its attention.

Mr. McCUMBER. May I ask the Senator a question right there?

Mr. KELLOGG. Certainly.

Mr. McCUMBER. I think the Senator will agree that the Senate, by a majority vote, can discharge a committee and proceed to the consideration of a bill.

Mr. KELLOGG. Certainly.

Mr. McCUMBER. If the Senate can discharge a committee and relieve it of consideration of a bill that has not been reported on by the committee, can not the Senate, also, by a motion, proceed to the consideration of a bill that has not been reported by the committee at all? In this case this bill has not been reported, we will say, by the committee. We all agree that it is a primary law that the committee must act as a committee, and not through its individual members. Therefore there has been no report of the committee. But, as I understand this case, the Senate, by a vote, a positive vote, proceeded to take up this bill and to discuss it and act on it. When the Senate, by its own action, votes to consider any bill that is improperly reported to it, is it not in exactly the same position as though it had voted to take up a bill which had not been reported at all, and to take it away from the committee?

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. KELLOGG. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Will the Senator allow me to make this further statement, that the Senate three times took up this bill, and twice took it up after the Senate had received information from the chairman of the Committee on Banking and Currency as to the manner of the report. The present proposition is not to avoid returning it to the committee but simply to take up the bill.

The chairman of the committee has asked unanimous consent to send it back to the committee, and that has been refused, so the question now is, Where is the bill? If it is in the Senate, we can take it up. We do not want to keep it here. The chairman of the committee wants to take it back to his committee. If it is not in the Senate, where is it?

Mr. KELLOGG. Mr. President, I will try to answer the question of the Senator from North Dakota [Mr. McCUMBER]. The rules, as I understand, provide that a committee may be discharged and the Senate may call for a bill and act on it. Therefore, that is a proceeding authorized by the rules of the Senate. The Senate may at any time, of course, suspend a rule. But I take it that the point of order that a committee has not properly reported a bill may be made at any stage before the bill becomes a law. After the bill becomes a law, of course, it is too late.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him this question? If the point of order is made and the bill goes back into the hands of the committee, without the Senate sending it there, after the Senate had accepted the bill from the committee and acted upon it and amended it, can the bill get back to the committee without action now by the Senate?

Mr. KELLOGG. I think so. If I should take a bill from the table of the chairman of the Committee on Interstate Commerce and report it to the Senate, it would not put the bill in the Senate so that it would be here. If a point of order were made, it would go back to the committee.

Mr. SMITH of Georgia. Would it go back with any amendment that might have been made, or as it was originally?

Mr. KELLOGG. I should think it would go without the amendments, because the amendments have only provisionally been adopted. For instance, in the case of the telephone bill last year, it was reported by the committee, a point of order was made, and it was sent back to the committee.

Mr. McCUMBER. May I ask the Senator a question for the purpose of determining to what extent his reasoning would carry him? Suppose a House bill has come before the Senate, just as it has come before the Senate here, upon a signed, purported statement of a committee, which is not a report at all. The Senate acts upon it, without objection, upon motion to take it up, and the Senate amends the bill. It goes back to the House, is acted upon by the House, comes back to the Senate, the Senate disagrees to the amendments that are made by the House, and a committee of conference is appointed. Does the Senator from Minnesota think that we could still raise the point of order that all those steps have been improper, and that the bill has not been acted upon by the Senate, or the House, either, and that it must go back to the committee?

Mr. KELLOGG. No; I do not.

Mr. ROBINSON. Mr. President, I want to restate the facts connected with the history of the report on this bill. I undertook to do that a few moments ago. The clerk at my request has prepared a statement, to which I want to call the attention of the Senate.

On August 1, 1919, this bill came to the Senate from the House, was read twice and referred to the Committee on Banking and Currency.

On August 15, 1919, Mr. PAGE, the vice-chairman of the Committee on Banking and Currency, reported the bill to the Senate, submitting at the time a report, No. 148, which is embraced in three printed pages.

It has since been revealed that the bill was reported upon a poll of the committee, and the names of nine Senators appear upon the title page of the bill, namely, Senators HITCHCOCK, PAGE, FLETCHER, GRONNA, FRELINGHUYSEN, McLEAN, HENDERSON, DAVID I. WALSH, and NEWBERRY. If 9 out of 16 members of a committee sign a report on a bill and a formal meeting is afterward held and the report adhered to it must be presumed that the report is valid.

The committee is composed of 16 members. Therefore the Senators signing the bill constitute not only a majority of a majority, but more than a majority of the entire membership of the committee.

September 12, 1919, the bill was considered as in Committee of the Whole, was read in full, and amendments were suggested.

September 15, 1919, the bill was again considered as in Committee of the Whole and was amended. An amendment was proposed by the Senator from Ohio [Mr. POMERENE], which is now pending.

September 23, 1919, after the Senate had proceeded to consider the bill, the Senator from Wisconsin [Mr. LENROOT] raised his point of order.

In the meantime, as I stated a few moments ago, the Senator from Connecticut [Mr. McLEAN], in order to avoid further controversy about the matter and to escape the criticism of his committee which is implied in the debate on the point of order, called a meeting of the committee and expressly served every member of the committee with notice of the purpose of the meeting and urged him to attend, and at that meeting no Senator moved or expressed a desire to recede from the former action taken by the nine members of the committee.

I point out the fact, as I did a day or two ago——

Mr. POMERENE. Mr. President, will the Senator yield?

Mr. ROBINSON. Not now, if the Senator will please excuse me.

I point out, as I did a day or two ago, the fact that the rules of this body, embraced in an amendment adopted April 12, 1912,

provide that no bill shall be reported except by a concurrence of a majority of a majority of the committee. I also point out the fact that the express rules of this body do not require formal meetings of a committee nor prescribe that a committee may not report by poll.

I again renew my statement that for many years it has been the custom of the Senate to permit reports of committees by poll, and that in no instance has the Senate ever resented the action of a committee in proceeding in that way by sustaining a point of order after the Senate had considered the bill on several days.

As a matter of fact and of law, you must read into the rules of the Senate some provisions which are not there before the point of order can be sustained. The ruling of the then occupant of the chair, the Senator from Arizona [Mr. ASHURST], in my humble opinion, was correct. The correct procedure is to move to recommit the bill, and I support the chairman of the committee in that motion, not because I believe that the committee has acted improperly or that the nine members of the committee have sought to impose upon the Senate by pursuing the custom of the Senate and permitting a poll in order to report the bill, but because I believe that in the end it will facilitate the final consideration and passage of the bill.

Mr. BRANDEGEE. Mr. President, I understood the Senator from Wisconsin [Mr. LENROOT] to state that under the ruling of the Chair a point of order could be raised at any stage of the proceedings. I do not know to what rule he refers. If there has been such a ruling by the Chair——

Mr. LENROOT. That is an established rule of the Senate.

Mr. BRANDEGEE. Will the Senator be kind enough to read the rule?

Mr. POMERENE. It is Rule XX.

Mr. LENROOT. Rule XX is as follows:

A question of order may be raised at any stage of proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate.

Mr. BRANDEGEE. I am familiar with that rule, but I thought possibly the Senator referred to some other rule that I did not recall.

Mr. LENROOT. A ruling was made very recently upon this identical question, upon a point of order raised by the Senator from Mississippi [Mr. HARRISON].

Mr. BRANDEGEE. If that is so, I am not familiar with that ruling. I assume I was not on the floor at the time it was made.

It seems to me, Mr. President, the rule read by the Senator from Wisconsin that a point of order can be raised at any time except when the roll is being called, and so forth, does not mean that a point of order can be raised at any time when the subject to which the point of order pertains is not before the Senate. I agree that a question of order is a question as to how we shall proceed at a particular time. I do not think the rule means that when the Senate is considering the third reading of a bill or its engrossment, a point of order can be raised that the bill had not been properly introduced by a Senator. It seems to me that the point of order must relate to the order which is then proceeding.

While I am not a member of the committee that reported the bill and have no interest in it whatever, I should be very glad to see it recommitted so that the committee may make such changes in the bill as it may desire and report it again. But it seems to me that after the bill has been reported from the committee and placed upon the calendar, and a motion made to proceed to its consideration by the Senate has been carried and the bill has been before the Senate and has been acted on partially and amended, then it is altogether too late to raise a point of order that the committee in reporting the bill had not acted properly or that it really was not an actual report of the committee. That point of order should have been raised at the time the committee reported the bill.

Mr. LENROOT. The Senator must know that upon its face the bill appears to have been regularly reported. How could one raise the point of order when upon the face of the bill it is regular, but it afterwards develops that the report was not a report at all?

Mr. ROBINSON. The remedy is to recommit.

Mr. LENROOT. We can not reserve points of order. If we could, the suggestion of the Senator would be correct, but the rules of the Senate do not permit one to reserve a point of order.

Mr. BRANDEGEE. The argument that a person did not have knowledge that a certain matter was subject to a point of order at the time alone at which it could be made is not at all an argument that a point of order may be made at some other time when it is not in order.

I admit the difficulty which the Senator suggests, that when a Senator reports a bill and the Chair refers it to the calendar, a Senator can not have any means of knowing that on the back of the bill there are the signatures of a majority of the members of the committee. Nevertheless, under the rules of the Senate that does not make it in order for him, after the third reading of the bill, or upon its engrossment, to make a point of order that there was not a quorum in the committee at the time the bill was acted upon, or that in the procedure the Senate had violated some of its own rules prior to its engrossment. I think the point of order should not have been entertained. I think it came altogether too late and was a point of order upon a question not then before the Senate at all; nor do I think the question of jurisdiction——

Mr. POMERENE. May I ask the Senator a question?

Mr. BRANDEGEE. I yield.

Mr. POMERENE. Assume that the bill is about to be reached on the calendar, on a regular call of the calendar or on a motion to take it up, is it the Senator's view that no Senator could raise a question at that time that it had not been properly considered and reported?

Mr. BRANDEGEE. It is my view that it is too late.

Mr. ROBINSON. Will the Senator yield to me?

Mr. BRANDEGEE. Certainly.

Mr. ROBINSON. If a Senator desired to raise the question, he could do it upon a motion to recommit the bill to the committee.

Mr. BRANDEGEE. But that would not answer the question as to whether it is too late to raise a point of order.

Mr. ROBINSON. I agree with the Senator that it is too late to raise the point of order, and I think the precedents sustain that view. The point of order could not lie after the Senate had proceeded to the consideration of the bill.

Mr. BRANDEGEE. I have not looked up the precedents. I am simply giving vent to ideas that occur to me in a commonsense way.

Mr. SWANSON. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. SWANSON. I understand the Senator thinks the point of order should have been made before the matter had been considered by the Senate. The question is when the point of order may be made that the bill is not properly before the Senate. It ought to be made when the bill is brought into the Senate, but after a motion is made to consider the bill, then the question of the point of order would be a point against the consideration. Is that the Senator's view?

Mr. BRANDEGEE. My claim is that whatever point of order might properly have been made at the time the bill was reported, as to the impropriety of its being reported or as to a Senate rule having been violated in its consideration by the committee or in its report by the committee to the Senate, it is too late to raise it at a subsequent stage of the proceedings. For instance, the rules provide that a bill shall be introduced by a Member rising in his place and sending it to the Secretary's desk, whereupon it is read the first time. Suppose a Senator drops a bill in the basket provided under the rules for the reception of routine petitions, bills for the correction of military records, and so forth, and suppose that bill is referred to a committee and the committee considers it and reports it, and it goes to the calendar and the Senate, upon due motion made, proceeds by an authorized majority vote to the consideration of the measure, and it is considered as in Committee of the Whole and amended and reported to the Senate, and the amendments made as in Committee of the Whole are concurred in, and the question is upon the third reading of the bill, and then a Senator rises and says, "I make the point of order that the bill was dropped in the basket instead of being sent to the desk and read by its title." The whole Senate has proceeded to approve the bill and there is nothing required but its final passage and the fall of the presiding officer's gavel to announce the will of the Senate. Is it true that a point of order as to the mere routine of its coming before the Senate could then be made to block out all the proceedings of the Senate up to that time?

Mr. THOMAS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. May I ask the Senator if this entire discussion and the basis of it is not an illustration of how not to do it?

Mr. BRANDEGEE. I think the Senator may be correct. I think when in the chair yesterday I made a ruling on the spur of the moment which shows how not to do it in some respects. The situation was more or less tangled, and I had to rule and I think I ruled improperly.

Mr. FLETCHER. I would suggest to the Senator that it is not claimed here that any rule of the Senate was violated by either not doing the proper thing or doing something that ought not to have been done by the committee. Jefferson's Manual is a part of the rules of the Senate. There is no claim that any rule of the Senate has been violated. On the contrary I call the Senator's attention——

Mr. LENROOT. The Senator is mistaken about that.

Mr. FLETCHER. What rule of the Senate has been violated?

Mr. LENROOT. The rule that requires a report from a committee. There has never been a report.

Mr. FLETCHER. In Rule XXV there is an express provision that committees themselves may control the number that shall constitute a quorum of the committee, and also an express provision that the concurrence of a majority of the committee is sufficient to bring a measure before the Senate.

Mr. LENROOT. In the committee and after a vote, certainly.

Mr. FLETCHER. The rule says the concurrence of a majority of the committee.

Mr. LENROOT. In the committee.

Mr. FLETCHER. Here is a report signed by nine members of the committee. I doubt if you could find a report of a committee which more completely and accurately represents the views of a majority of a committee than does this report. It is the written assent and concurrence of a majority of the committee, and not only of a majority of the committee but of 9 members out of 16 in favor of the bill.

Mr. LENROOT. If the Senator from Florida will yield for a question, I should like to ask him what was the purpose of the very rule of which he speaks, providing that a quorum might consist of one-third of the membership of the committee, if no meeting at all of the committee is required?

Mr. SMITH of South Carolina. If the Senator from Florida will allow me, I will read subdivision 3 of Rule XXV in its entirety in order that the Senate may get the purpose of the rule.

QUORUM OF COMMITTEES.

3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

The rule provides for the concurrence of one-half of a majority of the committee. It does not say in committee or elsewhere; it does not say anything on that point.

Mr. LENROOT. But what was the purpose of the rule? It requires a quorum consisting of one-third of the membership, but, for the protection of the Senate, although one-third of the membership might constitute a quorum, a majority of the one-third could not report a bill. It is very clear to any Senator. The rule relates to a quorum, and it relates to votes in the committee.

Mr. SMITH of South Carolina. But we are speaking about the report the committee made. The rule provides:

Nor shall any report be made to the Senate that is not authorized—

Can I not as a member of a committee authorize action so far as I am concerned when some Senator comes to me while in my seat and says, "You are a member of the committee, and I want you to authorize me to report this bill"? The rule says, "Not authorized by the concurrence of more than one-half of a majority."

Mr. LENROOT. If that were true, why was it necessary to provide for the number of a committee that should constitute a quorum?

Mr. BRANDEGEE. Mr. President——

Mr. LENROOT. Will the Senator from Connecticut yield to me, as I desire to ask the Senator from South Carolina a question?

Mr. BRANDEGEE. Yes.

Mr. LENROOT. Under the theory of the Senator from South Carolina, what protection could the minority ever have to secure the consideration of a bill in committee?

Mr. SMITH of South Carolina. The custom here, as all of us know, has been to proceed with what is called a working majority. In the case of the wire-control bill that practice was called in question, and I suppose on account of an oversight or ignorance of parliamentary law on the part of some of us the rule which I have quoted was not invoked. I confess I did not then know the rule was in existence. Had I been so advised I should have maintained that one-third of a majority, or, in other words, a working quorum was present; but everyone knows that a majority of the minor bills of the Senate are reported as this one has been.

The protection of which the Senator speaks comes when the bill is before the Senate. The fact of the matter is that the real business is done after a bill gets here, and I do not know but what we would have been better off as to a great many bills if they had never been referred to a committee to have matters thrashed over and the minds of members of the committee prejudiced by the opinions of others before the bill got here. I do not think the objection raised is at all serious.

Mr. LENROOT. Then if the majority desires to put a bill through the Senate it can, without a violation of the rules, deprive the minority from ever securing the consideration of a bill in committee at all.

Mr. SMITH of South Carolina. They could deprive the minority of that opportunity by providing for a certain number less than a majority, as provided in this rule.

Mr. LENROOT. Oh, no; I mean by a poll of the majority, the Republican members. If the Republicans shall at some time in the future desire to put through a bill, the majority members can sign their names on the back of the bill and say to you Democrats, "We will never give you an opportunity even to consider this bill in committee," and you yourselves will have made the rule.

Mr. SMITH of South Carolina. Yes; but we would discuss the bill on the floor of the Senate and reach the same end.

Mr. BRANDEGEE. Mr. President, the Senator from Wisconsin [Mr. LENROOT] has made allusion to the jurisdiction of a court as analogous to this question. I fail to perceive the force of that suggestion. The question here is not as to the jurisdiction of the Senate; no one questions the jurisdiction of the Senate under the Constitution to deal with this measure. The question here is simply as to whether the bill was properly reported by a committee of the Senate. As I have said, I think the point of order upon that question came too late. I agree with the Senators who have suggested that it has been a very common practice in the case of bills to which there was no particular known opposition and where it was very difficult to get a quorum of the committee, owing to the pressure of other affairs, for the chairman to send such bills around to members of the committee, who, after having read them and approved them, signed their names to them. Their action has rarely been questioned in the Senate, to my knowledge, as not being a proper procedure. Yet I am entirely in sympathy with the point of order made by the Senator from Wisconsin on its merits, if it had been made at the proper time, because——

Mr. NORRIS. May I ask the Senator from Connecticut a question there?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. The Senator's idea of the proper time, I presume, is when the bill is reported. Now, is not the Senator requiring an impossibility?

Mr. BRANDEGEE. No; I am not; it may be that the rules are. The Senator from Wisconsin has already raised that question and said that nobody could know when the bill is actually reported whether it has been considered by the committee.

Mr. NORRIS. I understand that. I agree with the Senator from Wisconsin; but I understand the Senator from Connecticut has a different idea. I have heard his explanation, but it is not convincing to me. It seems to me that the rule which the Senator suggests would require an impossibility. The Senator must know that for all practical purposes it would be requiring an impossibility and would not accomplish anything. If the Senator's construction of the rule is right and the point of order must be made at the time a bill is reported, then we might just as well, it seems to me, abolish committees, because there is not any doubt that any committee of the Senate at any time can get a bill legally before the Senate without Senators not members of the committee knowing that there has not been a meeting of the committee.

Mr. BRANDEGEE. I understand the difficulty and embarrassment suggested by both the Senator from Nebraska and the Senator from Wisconsin in that respect, but, Mr. President, the rules of the Senate and their administration frequently work out awkward conditions. There is no reason, however, for the stretching of the rules or for a construction of them contrary to their evident meaning. As suggested by the Senator from Arkansas, there is another remedy for such a situation. At a later time a Senator may be prohibited from availing himself of the opportunity of making the point of order which he could have made if he had known about the bill being improperly reported from the committee, but the other remedy is to move for the recommittal of the bill, which motion is now pending.

Mr. NORRIS. Mr. President, may I ask the Senator a question in regard to that?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. The Senator, of course, will concede that a motion to recommit can be made in any event, even if the bill has been reported properly by the committee?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. The Senator will also concede, I think, that if a Senator has as a matter of right the privilege of objecting to the consideration of a bill for any irregularity, a motion to recommit the bill does not save that right, because that requires a majority of the Senate voting on the question the same as any other motion.

Mr. BRANDEGEE. But a Senator has no right to object to such a motion any more than to record his vote.

Mr. NORRIS. But there is a right given to a Senator by a point of order in that it is one he can exercise without the assistance or acquiescence of any other Senator.

Mr. BRANDEGEE. Oh, yes.

Mr. NORRIS. That does not apply to a motion to recommit.

Mr. BRANDEGEE. That comes right back to the same question we are discussing, as to whether the point of order is in order at the time it is made.

Mr. President, that is all I care to say about this question. I am in favor of the motion to recommit the bill.

Mr. SIMMONS obtained the floor.

The VICE PRESIDENT. Just a moment before the Senator from North Carolina proceeds. The Chair is going to allow on this question, in accordance with the rule, but two speeches from now on in this discussion.

Mr. SIMMONS. Mr. President, I think perhaps as much time has been taken in connection with this matter as ought to be devoted to it, and yet the more I think of it the more I am convinced that the question at issue is one of very great importance.

After very serious reflection, I do not think that we could do a more unfortunate thing for the dispatch of the business of this body, now congested and likely to be congested so long as conditions exist which require so much legislation, than to overturn a practice that has obtained in this body during the 18 years I have been a Member of it. It is a practice which has contributed enormously to the expedition of the business of this body, and I have not during my term here discovered any instance where injustice or wrong has resulted. The proposition needs to be discussed not in its technical features so much as in its practical features.

If this procedure is to apply to legislation, it must also apply to all nominations that are presented to this body. If the Senate can not consider a matter unless a committee has formally acted in connection with it, neither can it consider a nomination that is reported back from a committee without action by the committee while in actual session. Yet my experience here has taught me that the greater number of bills reported to the Senate and acted upon have come from committee without any real committee consideration by the full committee, but upon a poll of a committee. My experience teaches me that practically four-fifths of the nominations that are reported from committees come back without the committees ever having sat in session upon those nominations. I undertake to say that, in the present congested condition here, with a greater amount of legislation required of this body than ever before has been required in the history of our country, an amount of legislation that keeps us in session for 9 or 10 months in the year—if we can not consider anything except bills that are actually considered in committee session, it will very much delay our action upon legislation.

We have a situation here that frequently requires a Senator to be appointed upon half a dozen committees, two or three of them live, active committees. The time of the committees is taken up with the important matters of the Government, with legislation that really requires the most careful consideration, and the committees have difficulty in getting committee action upon those matters. Now, if every little matter, if every little local bill, if every little routine bill, every bridge bill, must be taken up by a committee in actual session and considered by a committee, we will increase the labors of the committees twofold; and if we add to that requirement that every nomination must be taken up by a committee and considered in session, we will increase the labors of the committees more than twofold, and we will leave no time for the consideration of the more important business of the Senate. I say that when we refer to these committees these small, local matters, these matters of relatively trifling importance, we do it perfunctorily. We do not need the advice of the committee in those cases. The rule covers them, however, and perfunctorily we refer them to the committee, and perfunctorily the committee reports them out. The committees do not, under the rule, report out important measures without consideration; it is these other less important measures; but this action, if it is taken, will cover everything. It will cover the most insignificant as well as the most important bills; it will cover the most insignificant nominations as well as the most important nominations, the uncontested as well as the contested nominations; and we will have a congestion here that will not only be appalling to the Senators, but it will be obstructive to the legislation of this country and against the welfare of the people; not in the interest of good legislation but in the interest of hurried and bad legislation.

Mr. President, I say this practice has grown up here. I do not know how old it is. I know it is at least 18 years old. I assume that the practice has grown up and has continued uninterrupted and without challenge until now because it was the consensus of the best judgment of this body that it was a good and a wise practice in the interest of expediting legislation.

Mr. President, I want the Senate to consider for a minute what might be the condition here in the last days of the session, when we are hurrying to get through with the business of the session, when it very frequently becomes necessary for us to act speedily and quickly upon a joint resolution that may come here from the departments, absolutely necessary to continue in motion the wheels of government. It may relate to the entire appropriation of a great department. The failure of its passage would result in blocking the wheels and the machinery of a great instrumentality of the Government. We must hurriedly get that joint resolution or that bill through the Senate. If we are compelled to send it to a committee, and then a majority of that committee must be assembled and act, it will be too late. I have seen numbers of cases since I have been here where, if the practice that is now insisted upon had obtained, it would have been impossible for us to pass during the last few days of the session legislation that was absolutely essential.

Mr. President, I contend that this practice is a construction by the Senate of the United States, a long-standing and unquestioned construction, of the meaning of the rule. It is its construction that a report of a bill as the result of a poll, with the signatures of a majority of the committee upon the back of the report, is a substantial compliance with the rule, ought to cease.

Now, the Senator from Wisconsin says that this practice, this construction, must go for naught, because, forsooth, we have not jurisdiction of the matter, and if we have not jurisdiction, of course, we have no right or power to act.

Why, Mr. President, it is fundamental in legal practice that if a court or a legislative body or a municipal body has not jurisdiction of the subject matter, there can be no waiver of procedure at all which would give vitality to its action; but if a body have jurisdiction of the subject matter, then every requirement of practice, every rule of practice, can be waived. Whenever it is ascertained that the court has jurisdiction of a subject matter, attorneys can waive the failure to serve summons; attorneys can waive any limitation of time; attorneys can waive anything that is connected with the procedure of the court after it acquires jurisdiction. Will anybody undertake to say that the Senate of the United States did not acquire jurisdiction of the subject matter of this legislation the minute that the bill passed a second reading? It has jurisdiction of the subject matter, and, having jurisdiction of the subject matter, it may by any practice that it may establish waive at any time any of the rules of procedure which it has adopted. Certainly nobody should question the right of the Senate of the United States to waive by unanimous consent any rule that is written here after it has acquired jurisdiction.

Mr. President, that is what this rule means. It means that when certain formalities are complied with, the Senate having acquired jurisdiction of the subject matter, the rules of procedure may be waived unless there is objection. Now, the protection is this, and the Senator is absolutely wrong when he says that we might have a bill here that would be acted upon without the consent of a majority of the committee—I have understoood since I have been here that the rule was this—that when a committee is polled there must be the concurrence of a majority of the committee; it must be written upon the back of the bill or vouched for by the statement of the chairman reporting it. And even then the practice, as I have understood it, was that if there was a single objection to its report by that method it should go back to the committee.

Mr. LENROOT. Will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. The Senator misunderstood me. I never said that a bill could be reported by a poll of less than a ma-

jority of the committee. I did say that under the Senator's position a majority of the committee, without consulting the minority, could report a bill, and the minority would never have a right to consider the bill in committee.

Mr. SIMMONS. Mr. President, the right of deliberation is absolutely protected. A majority of the committee must concur. A single, solitary objection can prevent the report.

Mr. LENROOT. Where does the Senator find any such rule?

Mr. SIMMONS. I did not say there was such a rule, but I said that was a practice that had grown up here and obtained for the last 18 years.

Mr. LENROOT. The Senator, then, admits that if a majority poll, without consulting the minority, reports a bill, no objection on the part of the minority can prevail?

Mr. SIMMONS. I said that the report could not be made under the practice, not the rule, under the practice which has grown up under the rule, and which is an interpretation of the rule, unless a majority of the members of the committee had signified their approval by signing the report, and that even then, under this practice, when the report is made, one objection would send it back to the committee at the time. That has been the practice, as I have understood it, here.

Under that practice, I say, nobody is denied any right. What do we send these things to a committee for? Not that the committee may control our action, but simply that the Senate may have advice. If the Senate does not want the advice of the committee it can recall the bill at any time it sees fit. If the Senate can recall the bill at any time it sees fit and say to the committee, "We do not desire your advice now," the Senate can, by like action, refuse to send the bill to a committee at any time, and the Senate can by like action establish a practice that will permit the bill to come back to it without its having been actually considered in the committee as a whole, and that practice we have established. In the last analysis the question is, Does the legislation meet with the concurrence of a majority of the Senate? To tell me that a committee report is so fundamental that it can not be waived; that we can not establish a practice and get rid of it in minor cases; that it can, after a bill has been taken up and a month of the people's time has been devoted to its consideration, the rule can be invoked and the bill can be kicked out of the Senate simply because of failure to comply with some little formality the sole purpose of which was to obtain information which the Senate no longer desires or demands is, to my mind, to state a preposterous proposition.

Mr. President, there are a great many objections to procedure in the courts of our country and in legislative bodies that may be made, and, if made in apt time, must be recognized and must be given force and effectiveness; but I have never in my life heard of any court or any legislative body which after a lapse of time, after it had proceeded upon the theory that all the formalities and technicalities required had been complied with, would permit the whole proceedings to be dropped and halted by an objection which is made out of time.

The Senator says he did not know of this circumstance, and he seems to think that is a conclusive reason why the point should be made at any time. Why it should be made after the bill has been considered a month, why it should be made after it has been considered two months and when the body is ready to act, I can not understand.

Mr. President, it is just as much the duty of a man who wants to make a technical objection to be on the alert as it is the duty of the man who wants to make a substantive objection. A man has no more right in this case to come in and plead that "I did not know of my rights at the time," "I did not have actual information at the time," than a man would be entitled to go into court and say that "I did not know the law when I violated it." The whole machinery of this body can not be stopped because of a purely technical objection, not made in time, and which, if made in time, probably might have been entitled to be acted upon.

Mr. President, I recognize the fact that the party to which I belong is in the minority. The Senator has invoked the rights of the minority. I recognize the fact that the committees of this body are in charge of the majority. I recognize the fact that all the chairmen of the larger committees are Republicans, and the chairmen under this practice could practically control the reporting of bills without actually bringing them before the committees. I therefore recognize the fact that the position I am taking, considered from a purely tactical party standpoint, is not the position which is most advantageous at this time to the party to which I belong. But I would be a small man, and any Democratic Senator here would be a small man, if, because his party might lose an otherwise helpful advantage in connection with legislation, he would give sanction to action in this body which would enormously increase the labors of Senators, already overburdened with work, and which would result in great congestion where there is already an overcrowded condition.

Mr. President, I did not intend to speak so long about this matter, and I would not have done so but for the fact that I believe if we should sustain the point of order made by the Senator from Wisconsin—though the vote the other day indicated that there is a strong sentiment on the other side of the Chamber to sustain it—the effects upon legislation and upon the labors entailed upon Senators in this body which would be avoided would be so series that the time which I have taken and the time which other Senators have taken in this matter will not have been wasted, because if we can defeat the point of order of the Senator we will save much more time than has been taken in the consideration of this matter.

Mr. LENROOT. Mr. President, I had supposed that it was agreed by everyone that rules were made primarily for the orderly procedure of a parliamentary body and the protection of the minority. The Senator who has just spoken says the minority cares for no protection. Mr. President, I know that as a rule Senators pay little or no attention to the rules of the Senate upon any particular bill. I realize, too, Mr. President, that Senators on this side of the aisle will have no reason to complain of the new rule that will be made by sustaining the decision of the Chair on my point of order, because the party on this side of the aisle will be in a majority for many, many years to come. If the ruling is sustained, I say now that the time will come when Senators on the other side of the aisle who will still be here will be raising the very point of order that they are now going to vote to overturn.

I had supposed, Mr. President, that the opinions of Mr. Jefferson would still have some weight, at least upon the other side of the Chamber. But apparently not. We certainly have been growing very fast during the past few years. Nevertheless, although I know that Mr. Jefferson is out of date on the Democratic side of the aisle, and his opinions are no longer considered of any very great value, may I take a moment to read what Mr. Jefferson said in his preface to his Manual of Parliamentary Practice? Mr. Jefferson says:

> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of or a departure from the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the house, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

The members of the minority say they require no protection, that they are willing to trust the majority. Why have any rules of the Senate at all? You are deliberately proposing to violate two of them when you vote to sustain the decision of the Chair—first, that there need be no act of a committee at all; that there need be no report of a committee at all; that even a third of a quorum is not necessary in order to consider a bill; that the chairman alone may sit in his committee room and take up a bill and consider it himself, and then go out and get the signatures of enough members of the committee to make a report. You propose to call that a report of the committee. Who ever authorized this chairman to make a report upon this bill, if it was made as a committee report? Where was the authority for any Senator, sitting in his seat in the Senate, to say to the chairman of my committee, "You are authorized to report this bill"? It could not be done without deliberately violating the rules of the Senate.

But it is said the point of order comes too late; that it should have been made at the time the report was presented. I agree that if we had the procedure of the House, which I think is preferable to that of the Senate, and one could reserve a point of order when a report was made from a committee, that ought to be done, and then if the point of order was not reserved, it should be considered as waived; if the point of order was not reserved when the report was made, the point of order could not thereafter be raised.

But it so happens that the Senate has deliberately adopted a different rule. It so happens that the Senate has said in this rule that a point of order can be made at any stage of the proceedings.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. LENROOT. I yield.

Mr. ROBINSON. Does the Senator assert that there is no such limitation as that expressed by the Senator from Connecticut on the meaning of the rule?

Mr. LENROOT. The rule means what it says.

Mr. ROBINSON. In this case, after the Senate has repeatedly voted to proceed with the consideration of the bill, and has amended the bill, the Senator insists that it is in order to make this point of order. I ask the Senator whether it would be in order to make such a point of order after the Senate had passed the bill?

Mr. LENROOT. It would be in order, I am very frank to say to the Senator, at any time, so long as the bill had not gone out of the physical possession of the Senate. Of course, if it had gone to the House, there would be no way by which the Senate could take such action.

Mr. ROBINSON. Then it would be in order to make the point of order after the Senate had passed the bill and before the bill had passed out of the possession of the Senate?

Mr. LENROOT. Before the bill had passed out of the possession of the Senate, I agree. The Senator from Arkansas smiles. That may be something that ought to be provided against in the rules; but so long as you have a rule of the Senate that a committee must act upon a bill before the Senate can act upon it, there are only three ways in which a bill can come before the Senate. You may suspend the rule; you may move to discharge the committee; and the committee may make a proper report. In no other way can a bill properly get upon the calendar, and my point of order is that this bill is not properly upon the calendar, and is not properly before the Senate.

Senators talk about little bills. If the rule applies to little bills, it applies to the most important bills coming before the Senate. The position of the Senator from Arkansas would be that I, as a member of the Committee on Commerce, could send to the desk what purported to be a report from the Committee on Commerce, because I would not even have to have a majority of the committee in order to give the Senate jurisdiction, for there is nothing that provides for a poll of a majority of a committee, and the only way the Senate could get rid of that bill would be by a majority vote. Or I could sit here at my desk and send a bill around to those whom I knew were in favor of the bill, at the same time knowing that a minority was opposed to the bill and desirous of amending it. Under the Senator's theory I could get those signatures, send that bill to the desk, and the minority, either upon the committee or in the Senate, never would have an opportunity guaranteed to them by the rules of the Senate to consider the bill in committee.

If the Senate desires to make a precedent of that kind, well and good. The Senate will do it with its eyes open, and I think there are some of us who can stand it if others can. But Senators say that to sustain this point of order would prevent the polling of committees, a practice that has grown up with reference to minor bills. That is not so, Mr. President. If the point of order is sustained, it will not interfere in the least degree with the practice of polling committees, because in ninety cases out of a hundred there is no objection to the reception of a report at any stage of the proceedings upon minor bills. If there is no objection, it amounts to the Senate considering them by unanimous consent. All this point of order, if sustained, will do is to give to any Senator the right to make the point of order if he desires to do so; and I submit that he ought to have that right. It ought to be the right of every Senator upon this floor to insist, and see to it, unless there be a suspension of the rules or a discharge of the committee, that the rules of the Senate are enforced, and that when a bill is referred to a committee it shall be considered by that committee.

As I said before, that was the very crux of liberalizing the rules in 1911, by the Democratic side of the Senate, at the suggestion of the late Senator from Georgia, Mr. Bacon. It was on his motion that the number required for a quorum at that time was lessened. But if you read the debates, as I have them before me, you will see that no one ever suggested that a report of a committee could properly be made to the Senate unless there was a meeting of the committee.

Suppose that upon a tariff bill the Republican members of the committee did not meet, but determined that they did not want to give the Democrats any opportunity to offer any amendments in committee to the bill or give them any opportunity to consider it, and so upon a great tariff bill the majority members of the committee signed their names on the back of the bill and sent it to the desk, does anyone think that there would not be a majority of the Democrats, who to-day are going to vote to sustain the ruling of the Chair, who would be the first to invoke this very point of order for the protection of the rights of the minority?

I am just one Senator; I do not pretend to have any very great knowledge of parliamentary law; but the longer I serve in this body the more I am convinced that it is not necessary for anyone to have any knowledge of parliamentary law. It would be very much better, in my judgment, with the attitude the Senate so often takes upon the rules, if we did not have rules at all, because if a body like this makes rules for its own observance and then deliberately violates them when it suits its own convenience to do so, how can we expect the people of the country to have respect for the laws that we enact? It seems to me that we ought to begin to inculcate respect for the laws of our country by this body beginning to have some respect for its own rules.

Mr. BRANDEGEE. Mr. President, I move that the Senate proceed to the consideration of the German treaty in open executive session.

Mr. ROBINSON. May we not have a vote on this question?

Mr. SMITH of Georgia. I think everyone is ready to vote.

Mr. McLEAN. Yes; everyone is ready for a vote. I ask that we may vote.

Mr. BRANDEGEE. If there are no more speeches to be made I will withhold the motion for the purpose of having a vote.

Mr. JONES of Washington. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Moses	Smith, Ariz.
Ball	Harrison	Myers	Smith, Ga.
Bankhead	Henderson	Nelson	Smith, Md.
Beckham	Hitchcock	New	Smith, S. C.
Borah	Johnson, S. Dak.	Newberry	Smoot
Brandegee	Jones, N. Mex.	Norris	Spencer
Calder	Jones, Wash.	Nugent	Stanley
Capper	Kellogg	Overman	Sterling
Chamberlain	Kendrick	Owen	Sutherland
Colt	Kenyon	Page	Swanson
Curtis	Keyes	Penrose	Thomas
Dial	King	Phelan	Townsend
Dillingham	Kirby	Phipps	Trammell
Edge	Knox	Pittman	Underwood
Elkins	La Follette	Poindexter	Wadsworth
Fall	Lenroot	Pomerene	Walsh, Mass.
Fletcher	Lodge	Ransdell	Walsh, Mont.
France	McCormick	Reed	Warren
Frelinghuysen	McCumber	Robinson	Watson
Gay	McKellar	Sheppard	Williams
Gronna	McLean	Sherman	Wolcott
Hale	McNary	Shields	
Harding	Martin	Simmons	

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness, and the Senator from Rhode Island [Mr. GERRY] is absent on official business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. There is a quorum present. The pending question is, Shall the decision of the Chair stand as the ruling of the Senate?

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ASHURST (when his name was called). Mr. President, I ask unanimous consent to be excused from voting.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Arizona is excused from voting.

Mr. HENDERSON (when his name was called). I have a general pair with the Senator from Illinois [Mr. McCORMICK]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. In his absence I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and let my vote stand.

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness, and the Senator from Rhode Island [Mr. GERRY] is absent on official business.

Mr. LODGE. I announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Virginia [Mr. MARTIN].

Mr. KENDRICK. Has the senior Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. KENDRICK. I have a general pair with that Senator. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the Senator from Pennsylvania [Mr. KNOX], which I transfer to the Senator from Missouri [Mr. REED] and vote "yea."

The result was announced—yeas 40, nays 38—as follows:

YEAS—40.

Bankhead	Jones, N. Mex.	Phelan	Smith, S. C.
Beckham	Kendrick	Pittman	Stanley
Chamberlain	King	Ransdell	Swanson
Dial	Kirby	Robinson	Thomas
Fletcher	McKellar	Sheppard	Trammell
Gay	McLean	Shields	Underwood
Harris	Myers	Simmons	Walsh, Mass.
Harrison	Overman	Smith, Ariz.	Walsh, Mont.
Henderson	Owen	Smith, Ga.	Williams
Hitchcock	Page	Smith, Md.	Wolcott

NAYS—38.

Ball	Frelinghuysen	Lodge	Pomerene
Brandegee	Gronna	McNary	Smoot
Calder	Hale	Moses	Spencer
Capper	Harding	New	Sterling
Colt	Jones, Wash.	Newberry	Sutherland
Curtis	Kellogg	Norris	Townsend
Dillingham	Kenyon	Nugent	Wadsworth
Edge	Keyes	Penrose	Watson
Elkins	La Follette	Phipps	
France	Lenroot	Poindexter	

NOT VOTING—18.

Ashurst	Fernald	Knox	Reed
Borah	Gerry	McCormick	Sherman
Culberson	Gore	McCumber	Warren
Cummins	Johnson, Calif.	Martin	
Fall	Johnson, S. Dak.	Nelson	

So the Senate decided that the decision of the Chair should stand as the judgment of the Senate.

Mr. McLEAN. I move that the bill be recommitted to the Committee on Banking and Currency.

The motion was agreed to.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. Mr. President, I renew my motion that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. NEW. Mr. President, in the course of the many times I have read the treaty now before the Senate, and after what I think I can claim has been a fairly diligent study of it, I have found some features of which I approve, many more of which I disapprove, while there still remain some as to the proper construction of which I am in doubt. As to these last I can find my excuse in the fact that to this day the more or less eminent statesmen who drew it, and to whom we look for its definition, disagree among themselves and before the public in the construction they put upon certain of its articles.

Mr. President, I have been curious to know just what objection could be legitimately urged to the adoption of the amendment offered by the Senator from California [Mr. JOHNSON], which provides that the voting strength of the United States in the league shall equal that of Great Britain. The claim that the voting superiority of Great Britain is apparent rather than real is not warranted by the facts as I see them. Recently a league of nations organization addressed a number of inquiries to President Wilson, and on September 18, under a San Francisco date line, he answered one, in which he was asked about the six votes of Great Britain, by saying:

> It is not true that the British Empire can outvote us in the league of nations and therefore control the action of the league, because in every matter except the admission of new members to the league no action can be taken without the concurrence of a unanimous vote of the representatives of the States which are members of the council, so that in all matters of action the affirmative vote of the United States is necessary and equivalent to the united vote of the representatives of the several parts of the British Empire.

Surely the President overlooks the fact that in those disputes in which America is concerned we have no vote at all. He also overlooks the fact that under article 15 if a dispute be referred to the assembly there may be a report made public by the majority of the assembly, in which majority Great Britain would have six votes to our one. And even more important is the President's failure to remember that under article 4 the assembly has the right to choose four members of the council, and there appears to be no doubt that the assembly may elect by a majority vote. When it comes to electing these four members of the council, Great Britain would start with six votes accredited to the home government and the colonies, in addition to which she would control the vote of Persia and Hedjaz. If there is any provision in the covenant which forbids elections to the council to be other than by the usual majority vote, I can not find it and would be pleased to have some Senator point it out. I therefore charge that when the President states that Great Britain can not cast more votes than the United States in the election of the four elective members of the council, he either misunderstands or misrepresents the provisions of the covenant, and is to that extent misleading the American people. His new mathematical theorem that 1 plus 1 plus 1 plus 1 plus 1 equals 1 will not bear analysis.

Mr. President, I said in my preliminary remarks that there was great diversity of opinion, even among those whose official function it is to construe and define the treaty, over the construction to be put upon its respective provisions. This is certainly true, for they differ on so many points as to awaken the apprehensions of the ordinary observer. None of its exponents, however, has displayed the versatility of the President, who felicitously construes the same provision in diametrically different ways on different occasions in order to meet the emergencies and the expectation of those addressed. The truth of this was conclusively demonstrated by the Senator from Missouri [Mr. REED] in his address of Monday last when he produced the letter of May 6, 1919, signed by the President, Lloyd-George, and Mr. Clemenceau, in which the most explicit assurance is given the Canadian premier that Canada is eligible to a place in the council, which necessarily implies full voting membership in the league. In view of this assurance, in what an absurd and untenable position is the President left by his reply to the San Francisco organization.

Nor is that the only misstatement that has been made by the President in his recent discussion of the treaty. In the very nature of things, the treaty and the covenant, huge as it is in size, complicated as it is in phraseology, and dealing with subjects with which the lay mind is necessarily unfamiliar, is a document that will not be read by more than a respectable minority of the people under any circumstances that may arise. Such addresses as the President has made on his western trip are not entirely suitable for a serious and accurate discussion of a question of this intricate character; and we may, therefore, be pardoned if we object to any statement concerning it which is not exactly true or the ambiguity of which leaves the public in doubt. Whatever lapses from accuracy the President might make under such circumstances, one would not expect him to misstate or to forget the circumstances, for instance, which drew America into the war; and yet, in his speech at Billings, Mont., September 11, he said:

> Thousands of our gallant youth lie buried in France. Buried for what? For the protection of America? America was not directly attacked.

And in his speech at Tacoma, September 13, the President said:

> Only the free people of the world can join the league of nations.

Is it possible that for the moment he forgot India; that he overlooked Hedjaz and failed to recall Persia? Are either of these nations in any sense either free, self-governing, or democratic? But the statement is no more or no less inaccurate than many others which the President has made on this same tour. At Spokane the President said on September 12, in speaking of the right to withdraw from the league:

> Gentlemen object that it is not said who shall determine whether it has fulfilled its international obligations and its obligations under the covenant or not. Having sat at the table where the instrument was drawn, I know that that was not done accidentally, because that is a matter upon which no nation can sit in judgment upon another. That is left to the conscience and to the independent determination of the nation that is withdrawing.

Apparently the President must have forgotten articles 13 and 15 of the covenant. Article 13 provides that disputes suitable for arbitration shall be so submitted, and expressly states that the interpretation of the treaty and the covenant as part of the treaty, as well as any pact which would constitute a breach of any international obligation, are generally suitable for arbitration. Under this provision we would be required to arbitrate the question whether we had fulfilled our obligations, and under article 15, if either we or our opponent who objected to our withdrawal declined arbitration, we would be required to "submit the matter to the council." How can the President correctly say that we are the sole judges of our right to withdraw from the league when its covenant requires us either to arbitrate or submit to the council any dispute as to our fulfillment of our obligation?

Nor do I think that the President has been at all times happy in his comparisons. For instance, in one of the speeches made on his western trip he told his audience that the league is insurance against war—in his opinion, 98 per cent insurance—but he added that if it were only 10 per cent he would favor it. Now let us look at this for a moment. Do fire insurance policies prevent fire? They sometimes cause it but never prevent it.

Fire is prevented not by insurance but by the care of the owners and tenants of the property. It is prevented by fireproof construction, and the spread of fire is limited, not by insurance, but by fire departments. If insurance does not prevent fire, what does it do? It distributes the losses. That is just what the league of nations will surely do. It will not prevent war either 98 per cent or 10 per cent and the President himself has admitted its fallibility in this particular. It is more apt to cause war, but it will of a certainty distribute the losses. And how are the losses to be apportioned in this mutual war insurance company called the league of nations? Are they apportioned like fire insurance according to the relative risk? An insurance company fixes its rates with due regard to the character of the risk. Does the tinder box of the Balkans pay a higher premium than fireproof America? On the very contrary, the losses are distributed under this league not in proportion to the risk of war but in proportion to wealth and population. America, guarded as she is by the great seas, strong and free, with no historic quarrel, and up to this time without a single entanglement, will be the chief loser by any conflagration that may be hereafter started in any part of the world. And how are our losses to be paid? Not in money alone, not in ships and munitions, but in the lives of the youth of the country. If the league offers war insurance, it offers what will not prevent war. It offers the sacrifice and waste of our youth, with its radiant promise, in distant countries and alien lands, in quarrels which are not our own, which we can not prevent and for which we have no responsibility.

But the President says he believes the league will prevent war. Many a man has believed in fiction. The mirage in the desert is as plainly visible to the man who is lost in the wilderness as is the substantial thing itself to the man to whom it is sufficiently close at hand to be accessible to the touch. Don Quixote believed Rozinante a war horse. He believed a tin washbasin to be a gold helmet and windmills to be an army in battle. As for me, I believe the President's dream of the actualities of this league to be scarcely less visionary than the hallucinations of the Don. Why, Mr. President, I have seen and known people who believed firmly that a potato carried in the pocket would prevent rheumatism; that a silk thread around the neck would prevent sore throat. I have known a man to carry a buckeye for the greater part of a lifetime and to attribute his immunity from disease to his possession of that cherished fetish. When the President tells his audience that the league is insurance against war, he calls to my mind the hypnotist, whom we have all seen, who has his subject eat a piece of chalk in the delicious hallucination that it is ice cream, and to accept the thrust of a pin in the flesh as a caress. The presumptive difference is that in our case we shall realize the deception when we have been restored to consciousness and sanity.

The President further said in another of his speeches that the league of nations would "prevent war by discussion" and that it was in fact a "debating society." Surely, Mr. President, we will all favor the establishment of a forum suitable for international discussion, but does a "debating society" boycott, starve, and make war upon those of its members who do not accept the decision of the society at the end of the debate? Do the members of a debating society make war in any part of the world where its judgments are not followed? Does a debating society bind itself to enforce its decisions upon those who are not even members of the society? The league may be a debating society, but it does not stop at that. It is a superstate, or if not that it is nothing but a delusion and a snare.

The President says the weakest point in the league is the rule requiring a unanimous vote. He thinks the decision by a smaller number ought to be binding. I have no doubt that England, France, Italy, and Japan share the President's views. I have no doubt that England with her six votes feels with characteristic British liberality that they should be sufficient to decide the course of the States associated with her. To me it is, to say the least, disconcerting to hear the President make such a pronouncement. If the league be founded, may we not expect soon to have the powers of the superstate made more effective, as they would be if this view of the President were to prevail?

It has been persistently urged by those who plead for the retention in the covenant of article 10 that it is reciprocal in its obligations, that admitting by its terms the United States guarantees the territory of every other member State our territory is in turn guaranteed us by them. I have felt that this contention is misleading and deceptive, and now comes the President to establish the validity of my doubts by this statement, made in his speech at Spokane September 12:

> Ah, but some may seek to seize our territory, impair our political independence. Well, who? Who has an arm long enough to try to take a single inch of American territory or to seek to interfere for one moment with the political independence of the United States? These gentlemen are dreaming of things that can not happen.

Truly the proponents of the league should get together, for in this utterance the President shows that article 10 is a one-sided arrangement, with the United States in the position of guarantor of the possessions of others, with every prospect of being called upon to fulfill them by the exercise of force and no possible likelihood of having to appeal to others for a like or reciprocal service. To insure any degree of permanency to a league of the character contemplated, there must be equality of conditions imposed upon its members. Where there is a manifest disparity, as in the present instance, dissatisfaction and disruption are bound to come with time, and the length of time required to bring them about depends only upon the complacency of those less favored and their willingness to have the burdens of others pressed constantly upon their shoulders. Mr. President, I disagree absolutely with the plea that the preservation of human liberty will not be safe unless and until the United States is made to entangle itself in the affairs of Europe and assumes a share in their direction. We have no aptitude for the successful performance of any such task, and the peoples of Europe have no real understanding of the spirit of our institutions. The difference between our habits of thought, our methods of government, and theirs is widely dissimilar and irreconcilable. Why is it necessary to bind America to respond to every demand that may be hereafter made upon her to aid in the adjustment of Europe's quarrels, even though their origin be charged to the external aggression of a covetous or ambitious neighbor? The United States may be trusted to do again just what she did in the present instance should there be real occasion for it.

So far as the position of the United States toward future wars of foreign origin is concerned, I believe it was correctly expressed in the resolution introduced by the Senator from Pennsylvania [Mr. KNOX], as follows:

> That, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

Such a declaration as this would be all that is necessary. It would serve notice to the world that would be heard and heeded. The world knows that the United States would keep the promise. While accomplishing the result intended it would leave us free to pursue our own course in our own way, free from foreign dictation or from embarrassing alliances.

Mr. President, it strikes me that by the obligations of the league we are binding the wrong parties. There is not the slightest disposition on the part of any of the recent European allied powers to engage in further armed strife, at least not in the near future, and certainly not all that is desired is to be gained by obtaining their signatures to a contract the provisions of which they would follow without a formal pact. No league that can be formed can carry with it any real guaranty of future world peace that does not take into full account and have as parties to it Germany and Russia, the Ishmael and Samson of the peoples of the world. So long as either of them is out, the world is on the brink of the volcano, and there are unmistakable signs not only of an alliance between them, but possibly what will constitute a virtual amalgamation, at least for the purposes of offense and defense.

Mr. President, what was the world position of the United States in August, 1914? And what is it to-day? On the first-named date we were in peaceful accord with all the nations of the earth with the single exception of our neighbor on the south—Mexico; and it is profitless to discuss here the reasons for our estrangement there. We had the good will and respect of every other nation on the face of the globe. To be sure, some of them may have been amused at what they conceived to be our eccentricities, and laughed a little at us now and then; but they respected Uncle Sam as a beneficent and benevolent old gentleman whose presence was a joy and a delight. If he has to-day a single true friend remaining among the major powers, no Senator can point him out. One can but marvel at the genius displayed by our representatives in the transformation of friends into enemies, or the degree of success they have attained in that direction, even though we deplore the result. Japan hates us because we questioned the morality of the Shantung transaction; China, because she trusted us as her friend and protector, and we have up to this hour failed to

justify the trust. Great Britain distrusts us because she thinks we have interfered with the Irish question, while the Irish know that we but trifled with it for reasons that concern our domestic politics. The Greeks despise us because we have shown a purpose to give Thrace to her ancient enemy, Bulgaria. The French, our devoted friends for the greater part of our national life, distrust and dislike us, as is well known to every American who has had occasion to sojourn on the soil of France since the signing of the armistice. That the French estimate of the American character has recently undergone a pronounced change to our distinct disadvantage is but too well known. Italy, which welcomed the President in a spirit of adoration, and whose peasants prostrated themselves before him along the roadsides where he passed on his visit of a few brief months ago, turns in frenzy upon us because of our interference with the question of the disposition of Fiume. Our most implicit and trustful friend among them all was Russia. To her people the United States was an object of admiration and veneration. Her faith in us was childlike but supreme. She thrust the prows of her ships and the muzzles of her guns between us and threat of danger when we were fearful of "external aggression" in our darkest hour. To-day there is none in Russia to do us reverence. We have sacrificed her friendship along with the lives of many of our own soldier youth by a policy of pure meddlesomeness, without aim or purpose; the only result of which, so far as its effect on Russia is concerned, has been to turn every Russian hand against us.

Such is the partial result to date of our first disregard of the advice and caution of the fathers—of Washington, Jefferson, Monroe, Madison, Hamilton, Adams, Patrick Henry, and the others whose names will be forever illustrious as the founders of the great Republic. I know that a reference to them provokes a smile from friends of this proposed league and a sneer from a portion of the American press, but, Mr. President, I can not think that they knew not what they said, nor why they said it, when they advised that America should mind her own business. They had in mind not only their own present, but the future as well, and if they did not envision in detail this proposal for a league which should include the Government they were engaged in founding, they foresaw it in substance and effect. That was one of the attributes that made them great—faculty or gift—their ability to foresee and to forewarn. But here we are to-day engaged in settling European boundaries and possessions, dictating who shall have this town and that river, distributing provinces and bailiwicks, municipalities and principalities, with a familiarity and finality that enrages the dispossessed and disappoints the recipient, leaving nowhere and with nobody any feeling other than that of disapproval and resentment. There is no more prolific source of litigation and feud than the location of a line fence. Every country lawyer knows that, every farmer knows it, yet here we are locating line fences for former friends and enemies alike, with a disregard of consequences that is inconceivably reckless to those who pause to institute comparisons.

The insufficiency and inefficiency of the league is made nowhere more manifest than in the precaution taken in the chancelleries of the great powers to supplement and augment its forces and in the guaranties demanded by them independent of the league. Does the attitude of England indicate faith in its potency? Lloyd-George, Lord Cecil, Gen. Smuts may utter sounding phrases, but they have first made sure what England wanted. The material affairs of the British Empire were very carefully provided for before they committed the Government to the league. The first thing she did was to decline positively and with finality to even consider the acceptance of the second of the President's 14 points—that relating to the freedom of the seas. No degree of altruism, no concession to the plea for the "universal brotherhood of man," that carried with it the slightest diminution of Great Britain's maritime supremacy was even left open to discussion. There is nowhere in the covenant the slightest guaranty of freedom of navigation. Not only is England left free to pursue her long-established naval policy, but she has with characteristic British forehandedness set about the business of securing for herself the same relative supremacy of the air that she has long had of the seas, after having first acquired by one means or another pretty much everything in the way of territories there was left on earth of which she was not already possessed. And trust her to keep them, league or no league! Nothing that has once passed under her domination has ever passed out again, save and except this country of ours. Then she further fortifies herself by obtaining six votes in the assembly as against any other nation's one, and finally gives to her associates assurances of her most disinterested and distinguished consideration.

France got, if not what she wanted, at least all she could before she would listen to the talk of the league. She very properly claimed Alsace-Lorraine and the Saar Basin. Her faith in its efficacy is fairly well evidenced by her demand for a separate treaty, which binds us to come to her defense in case of an attack. This treaty, upon her insistence, stipulates that neither Great Britain nor the United States is to be released from this obligation except by the unanimous consent of the council of the league, and since France is a member of the council it becomes in effect a guaranty in perpetuity.

Japan made sure of her generous portion before yielding her objection. Shantung was given her as the price of her participation—as immoral and unholy a bargain as ever was made, the permanency of which this country piously guarantees when it becomes a party to the covenant.

Italy gets added territory and invites an early interference by the league through D'Annunzio's seizure of Fiume. The most of this distribution of territory was arranged for by treaties the existence of which, it is said, was concealed from the United States until the moment came when she was asked to guarantee them their perpetuity.

Never was there a more selfish or more one-sided arrangement. It is this seizure and distribution of spoils that the United States is asked to confirm without question or scruple. Does anyone honestly think that this will either bring or preserve peace?

At Portland on September 15 the President called upon us to "forget the details of the treaty." Forget the details when it may almost be said that details are everything in a matter of this importance! How important are details? Ask the engineer who constructs a great bridge or an architect who designs a skyscraper. Ask the lawyer who writes contracts and wills as to whether he dare ignore details. Ask the statesmen who write laws. But, most of all, ask those men who have drafted treaties, because laws can be repealed by the voice of our own people, while treaties—this treaty—can not be changed without the consent of foreign governments. Forget the details! What would we think of the engineer who forgets to notice whether the signal is red or green? Of the switchman who forgets to close his switch as the train approaches? What would we think if the Pennsylvania Railroad gave up the slogan "Safety first" and substituted for that sign, posted everywhere throughout its system as a rule for its men to follow, "Forget the details"? Only a short time before the President called upon the Senate to forget the details, the unsoundness of his theory was proved in a manner all too tragic. The President's automobile was driven at the head of the procession at 45 miles an hour. The detail of "safety first" and the detail of adequate police protection and of a proper speed were all forgotten. Somebody followed the President's injunction to "forget the details." Those who were behind the President's car accepted his lead and tried to keep up. One car swerved too swiftly, and in an instant two members of the President's party had paid the great penalty for somebody's disregard of detail. The President might well substitute for his motto, "Forget the details," that much more conservative and helpful one, "Safety first."

The President is also telling the people that unless this treaty is ratified without adopting any of the amendments and reservations proposed by the Senate Committee on Foreign Relations the world will be swept by the tide of anarchy. It is intimated that the people of Europe will rise and overthrow their governments and that this ruin will spread quickly to this country and destroy all that is best in America. Consider for a moment what this means. Does anybody think it possible that the people of England, of France, and of other countries will overthrow their governments because we of the United States insist on the right of absolute and unconditional withdrawal from the league? Will the British people rise in red rebellion because America insists on retaining control of her immigration laws, her tariff, her coastwise shipping? Will France split asunder if America insists on having as many votes in the league assembly as Great Britain? Does anybody think it even remotely possible that the peoples of Europe, having endured the Monroe doctrine for a century, will now destroy their own countries with their own hands because we intend to insist that the Monroe doctrine shall remain what it has ever been—an American policy, to be interpreted and applied by ourselves alone?

It so happens that in 1916 President Wilson told the country that a vote against him was a vote for war, while a vote for him was a vote for peace. The people of California and of Oregon, who have recently listened in such large numbers to the President's rounded periods and faultless rhetoric, appeared to believe this in 1916 and California voted for Wilson. Within a

few months the course of events proved the President had misled those who believed him when he said that a vote for Hughes would be a vote for war and a vote for him a vote for peace. Now, the President, remembering how the country received his appeal in 1916, has gone out to sing the same enticing melody, the words set to the same tune, slightly changed to meet the requirements of the new occasion. He tells them that a vote for the Senate committee's report of reservations and amendments is a vote for universal anarchy, while a vote to ratify the treaty as it stands is a vote for world peace. I know of nothing that has transpired in the last three years to add anything to the President's qualifications as a prophet.

In his answer to a question addressed to him by the San Francisco's Labor Council on September 17 the President said that under article 11 there is set up "a forum to which all claims of self-determination which are likely to disturb the peace of the world, or the good understanding between nations upon which the peace of the world depends, can be brought." And later said, in answer to another question, "My position on the subject of self-determination for Ireland is expressed in article 11 of the covenant." This is an explicit admission of the charge frequently made that article 11 gives the league jurisdiction over the internal affairs of member nations. It has been particularly declared that under such a covenant our Civil War could have been brought before the league council, and with no little danger that America, being concerned in the controversy and having no vote, might have been compelled to let the Southern States leave the Union. Is it not bad enough to try to get America to mix in every international quarrel on the face of the earth? Must she also embroil herself, waste her influence, weaken her prosperity, fill her own land with discord over questions which do not concern her but which relate to the internal troubles of other countries? However, it will be interesting to know whether the British Government agrees with the President in his interpretation of the covenant. If there be a disagreement, as I think more than likely, would we not better make plain now what it is we are agreeing to instead of sowing the seeds of discord for the future?

In San Francisco, on September 17, the President said that before we went into the war the Allies conferred in order to form an exclusive economic combination which should exclude those nations which had not participated in the war. He then continued: "And just so certainly as we stay out every market that can possibly be closed against us will be closed, so that if you merely look at it from the point of view of the material prosperity of the United States, we are under compulsion to stay in the partnership." Now, what sort of a threat is that? It is a threat that if the Senate refuses to ratify the covenant we will be boycotted in every market that is controlled not by our enemies but by our allies. No more astonishing statement has been made by anybody during the debate on the treaty.

Elsewhere the President has told his audiences that America won the war, that we saved Europe, and that we saved civilization. Now it seems that the President threatens us with an economic war by those very countries which we have at least helped to save unless we choose to continue in what he calls the "partnership." Is it possible that America is to be frightened into joining the league? Are Senators cowards that we should tremble under the threat of a boycott even though it be a world-wide boycott? What have we done to merit such treatment by our allies? Has President Wilson information on which to predicate such a statement? If true, it would seem that he is trying to get us into a league with our enemies, not with our friends. And if we should now yield to this threat of world-wide boycott and join the league in order to avoid it, what assurance have we that after so doing we may not again be threatened by a boycott from our associates unless we do as they desire? This statement by the President is nothing less than an admission that we must act under compulsion and fear, and if we do so once will we not thereby encourage further attempts at blackmail? For my part, whether the threat by the President is based on knowledge of the purposes of our allies which he gained in the peace conference or whether it be merely the hasty utterance of a fatigued and worried man, I for one will never submit to threat, nor will America. It must indeed be a losing battle when the President so far forgets himself as to try to intimidate the Senate and the American people who placed him where he is.

A condition which should give us much concern and which applies to us as it does to no other nation on the globe is the character of our population and the power for mischief at home that is afforded by it. Ours is to a considerable extent a polyglot population. In nearly every great city are large colonies of the nationals of other countries. Whole agricultural districts and even States are preponderantly populated by those who have comparatively recently come to us from other lands. No Senator will go further than I will in asserting that when these people pass through the gates of Castle Garden to take up residence amongst us they leave behind all allegiance to the governments from whence they came. Manifestly their duty and their loyalty are from that moment forward to this country only. But we must take things as they are and not as we should like them to be. Properly or improperly, the sympathies of these many peoples abide with the fatherland, even beyond their own generation. It is approximately true to say that the nationals of no two governments in Europe have lived on terms of amity at home. The hatred of Czech for Magyar, of Greek for Bulgar, of Italian for Jugo-Slav, of Irishman for Britain, is not left behind, but is brought with them to this country, and it is impossible that the United States should obey the mandate of the league to intervene in behalf of any one of them even as against the aggression of the other without arousing the resentment of that element of our population whose animosities toward those with whom their ancestors have been at daggers' points for generations, if not for centuries, have never been dispelled, with a result that can only be imagined since it can not be accurately gauged. Sentiment controls in most things. This is a condition that exists in no other country party to the covenant, for no other contains the varied elements that go to make up the whole as with us. Participation on behalf of any one of them would invite domestic unrest—perhaps upheaval and turmoil. That it will find its reflex in our politics is inevitable, and to what extent none can foretell. We shall be sowing tares on our own premises. Not the possibilities alone but the manifest certainties of such a division of sentiment in our midst must be apparent even to those who would close their eyes to them.

One of the simplest elements of common sense is the minding of one's own business and the keeping out of other people's business. This treaty with its league attachment provides for the systematic interference of the United States in the affairs of every other country. Every dispute between nations, every question and every quarrel, can be brought before the council of the league for consideration. These disputes will often be between those with whom we have lived in amity, and we shall be compelled to take sides as between friends, if any such are left to us, upon questions of whose merits we are not qualified to judge and which do not concern either American interests or American honor. We would be constantly turning friends into enemies, as every man does who takes sides in every quarrel he hears about. There can be no peace where there is international enmity.

Mr. President, when Aaron Burr had completed his term as Vice President and delivered his farewell address to the Senate over which he had presided he said:

> This body is growing in importance. It is here, if anywhere, that our country must ultimately find the anchor of her safety, and if the Constitution is to perish, which may God avert and which I do not believe, its dying agonies will be seen on this floor.

This declaration was both a prophecy and a prayer. The prophecy that in the Senate our country "must ultimately find the anchor of her safety" will find its fulfillment when this Senate exercises its constitutional duty toward the proposition now under consideration by rejecting it in its entirety of by so amending it as to remove every feature that threatens our future peace and tranquillity or which works for us the least departure from our established form of government or the impairment of our national ideals.

In my belief this treaty not only threatens but promises and compels both. The reservations proposed by the Committee on Foreign Relations meet manifest needs as far as they go. I shall vote for every one of them as well as for the amendments that are before this body with the approval of a majority of the committee. Holding the views I do, it would be treason were I to vote to ratify the treaty in their absence. Nor do I mean to leave with my colleagues the impression that with them the treaty is acceptable, for it is not. There would still remain much to which I object and to which I have not been able to reconcile myself either as a Senator or as an American citizen who would secure to future generations the independence guaranteed us through the wisdom of the fathers.

Mr. SMITH of Maryland. Mr. President, I shall be very brief in the remarks I am about to make touching the peace treaty and the league of nations; but, sir, I desire to emphasize the fact that the people of the United States want and are entitled above all else to have peace. The farmers, manufacturers, laborers, and financial men of the country, but, more than all others, the boys who did and suffered so much and who yet remain in military service, should be freed from the fetters that war necessarily imposes.

The country demands a prompt return to normal conditions. And what is true of the United States is true of all the earth. Peace, the best peace obtainable, but peace, just, world-wide,

and at once, is the antidote of all antidotes for the poison of radical socialism and Bolshevism. It is the best remedy for industrial paralysis, unrest, poverty, and human misery following in the wake of the war.

So firmly am I of that opinion that I have hesitated to postpone the ratification of this treaty by so much as the few minutes consumed in this discussion, especially as the treaty and its plan for a league of nations has been carefully studied and voluminously discussed on this floor as well as in every parliament of the civilized world. And wherever the art of printing is known the main features of the treaty have been published and expounded to the utmost. Hence no one can hope to add any original thought or to throw fresh light at this late date effective for a better understanding of the subject.

I am sure that no one can change a single vote on this floor by further analysis and dissection of the myriad provisions of the treaty. Therefore it is clear the practical and wise course is to indulge the least possible discussion and take the quickest possible action. I am most reluctant to occupy the time of the Senate, but I feel that upon this topic of unprecedented world-wide importance every Senator should hold a definite position and make known unequivocally what that position is. And for my part I have never for an instant doubted the wisdom and duty of ratifying this treaty as submitted as promptly as possible and without amendments or reservations. No one seriously contends that an amendment would not recommit this treaty to the peace conference, thereby resulting in indefinite delay of peace. Even a reservation might have that effect.

I shall vote for no reservations unless convinced of the absolute necessity of so doing in order to save from failure the gigantic constructive principle involved. The treaty with its league of nations may be open to much well-taken criticism. The convincing argument in its favor is that as framed it is the best the world can get now. Its warmest friends do not claim for it perfection. Nor did the able patriots who framed the Constitution of the United States some 137 years ago claim perfection for that remarkable document. Nevertheless who can appraise the good resulting from our Constitution, imperfect though it was in the opinion of both its friends and enemies?

Our Constitution consists of a tissue of compromises, yet it has withstood the strain of civil war, numerous foreign wars, the presence and the abolition of slavery. It was violently attacked and inspired gloomy doubts on the part of able and unselfish men, who, like Senators here to-day opposing this treaty, desired their country's good. Still our Constitution is now accepted by the world as the great triumph of enlightened statesmanship, a model and an inspiration. Such reflections are reassuring.

Homely, everyday common-sense principles that are familiar enough, but which are perhaps lost sight of in the more minutely technical examination of the details of this treaty upon this floor, aside from the world-wide craving for peace, in my judgment commend this treaty to public favor.

Briefly, the ordinary man reasons very accurately that this treaty, like our own invincible and triumphant Constitution, is a result of compromises of widely conflicting views, and an assimilation of motives, interests, and forces that in extent girdle the earth.

Necessarily the treaty as framed does not wholly meet the judgment and wishes of anyone. It is not 100 per cent satisfying to any nation. Possibly that very fact is a recommendation. Perhaps it is well that no one nation is wholly satisfied with the treaty; otherwise, other nations might argue with truth that the treaty was wholly in the interest of such satisfied nation.

Like the Constitution of our land, the league of nations is a grand departure. A grand departure from the old accursed ways of war is what the world needs and should welcome.

Under our genius for self-government our Constitution has held us together as a nation upon the original principles while we have witnessed the rise and fall of the German Empire, and the fall of Turkey, Austria, Russia, and the Kings of France. Indeed ours is the oldest and has outlasted substantially every other system and form of government on earth. Where are the wise heads now who predicted that Constitution of ours would fail and fall?

The ideals expressed in that document, practical enough all now recognize, not so long ago were denounced as impossible, the work of dreamers, the surrender of sovereignty, State rights, and so forth. Indeed there is a similarity, striking and significant, between the reasons and arguments urged for rejecting our Constitution and those now heard in opposition to this treaty.

Of course we give up something, but we gain much. The evidence is everywhere at hand. Ludendorff's writings and other and better evidence overwhelming, convincing, assure us that with a strong league of nations in existence Germany would never have gone to war, and that no nation can or will ever again systematically and willfully plan to pounce upon and annihilate another country. No one disputes the conclusion that had Germany the remotest idea that both England and the United States would ever have entered the war against her the treaty with Belgium would not have been reduced to a mere scrap of paper, and millions of the flower of the youth of the world would not now lie buried in the fields of France.

This treaty is the first great and practical step since the creation toward accomplishing the peace of the world. Why reject so priceless, so practical, a remedy for the greatest and oldest earthly evil, even if it be less than perfect? It is surely better than the old way.

And why set a demoralizing example to the less enlightened nations of the world, nations prone to selfishness, by writing reservations in the treaty? Reservations made by one nation to just that degree and extent weaken or cancel the otherwise reciprocal obligations of the other nations, parties thereto. So that by a series of reservations it is clear that the strength of this compact will be dissipated, the treaty made ineffective. We then inevitably face a return to the dishonored system of arms piled upon arms, taxes upon taxes, warships added to warships, slaughter, deaths innumerable throughout the world—a return to the whole wretched and ancient competition to destroy. For if, under the very sting and impetus of the recent great battles, it took the peace conference, guided by the finest brains and characters existing, so many weary months to effect this present proposed agreement among nations, it seems perfectly idle to hope for a better or more enlightened document, if any at all, from a future conference. But I am convinced that, given a trial, this treaty, by its beneficent effect, will establish itself more firmly with the passage of time and lay a foundation, which may later approach perfection, for future successful effort to make war impossible.

The telegraph, wireless, aviation, steam, submarines, modern methods of communication and warfare have removed us as a Nation far afield from the Nation of 13 disorganized, struggling States, supporting a fringe of population along the Atlantic seaboard, during the time of George Washington.

In point of time in those days it was farther from Ticonderoga to Camden than now from the Potomac to the Rhine. With ships in every port, with the Panama Canal, the islands of the Pacific, an enormous foreign trade and foreign debt, with thousands of miles of coast line, with aggressive neighbors at our doors, in these modern days, we can no longer remain a hermit Nation. The oceans are avenues of access, possibly, for attack, and not insuperable and protecting barriers as when George Washington advised the newborn Nation to avoid entangling foreign alliances. The alliances of foreign countries will entangle us whether we will or no.

In self-defense we must become a military power, a great military power, on land and sea. The alternative is, by a compact such as we now consider, to end this barbarous competitive system of international preparation to grab, fight, slaughter.

It is impossible for me to understand how anyone can doubt that a league of nations must tend to insure international peace. It can not absolutely insure peace—a fact to be deplored with sorrow—but with the success of this first move man will be encouraged to wisdom and rise to unselfish accomplishment to complete in full the task here begun.

Forging the larger cannon, making the more deadly gas, the heavier ships, assembling the larger armies of men in slavery to arms, are the only methods and ideals seriously rooted heretofore in the minds of statesmen as a way to provide for national safety or international peace.

What a reproach to the minds and hearts of men that the ultimate determination of international controversy relied alone upon the exercise of brute force in personal combat, a method despised in private controversy since the lawgivers and judges first sat.

Why should we be willing to plunge the precious youth of our country in seas of blood, commit our Nation irrevocably to the enterprise of war, appeal to the barbaric remedy of force alone, condemn the nations of the earth to turn with hopeless eyes and heavy hearts away from our leadership as an advanced and merciful people, when this treaty, with its league of nations, offers a way to avoid war with safety and honor?

The hope of every youth, of every mother in the world, lies in this treaty. It is the soundest and strongest plan ever yet proposed to avoid wars. Future generations will rise up to extol its wisdom, to praise its results, and to call those blessed

who planned and adopted this, the greatest document ever framed by fallible human hands. There is that about this treaty which appeals to the hearts and souls of men; that sheds light where for ages only darkness reigned; that promises an emancipation from war-made miseries, from arms, from destruction, an emancipation so complete and extensive as to quicken the imagination and to sustain our faith in the nobility of the world's leaders of the present day; and that makes us long to see its results for the morrow.

Why carp about Shantung?—a matter of slight comparative importance, which we wish were otherwise. The league saves China from the wolves in larger ways. Where could China go, what could she do without a league of nations? Why say we will be involuntarily drawn into war, when Congress, as always, alone can declare war?

Such criticisms merely give point and emphasis to the relatively trivial features found objectionable in the treaty as contrasted with the heroic proportions of its message of promise to a war-weary world.

POSTMASTER GENERAL AND CIVIL SERVICE COMMISSION.

Mr. McKELLAR. Mr. President, on yesterday the junior Senator from Nebraska [Mr. NORRIS], in speaking to Senate resolution 186, discussed the question of the Postmaster General's alleged activities in attempting to influence the ratings and the examinations of the Civil Service Commission.

I know that the Senator from Nebraska is a sincere believer in civil service, and I believe him to be thoroughly sincere in desiring to have an examination into the civil-service system and into the alleged activities of the Postmaster General. I want to say to him and to the Senate that I am not opposed to this resolution. On the contrary, I favor it; and yet I am quite confident that if the Senator from Nebraska had been familiar with the facts that have been brought out before the subcommittee of the Post Office Committee, which subcommittee has been holding hearings on this very subject for two or three weeks past, he would not have introduced the resolution in the first place, and he would not now be asking for an investigation.

The persons behind the resolution of the Senator from Nebraska are the same persons who are behind the investigation which is being conducted by this subcommittee. In the case that is being investigated by the subcommittee it is just another method of securing the same result.

I am going into the question before the subcommittee for a few moments for the purpose of showing what the facts are; in the first place, what the facts are as developed before the subcommittee in reference to the Civil Service Commission and the department itself; and, in the next place, the alleged activities of the Postmaster General.

In the case before the subcommittee—and the subcommittee is composed of Senators STERLING, FRANCE, PHIPPS, WALSH of Massachusetts, and myself—we have taken over 300 printed pages of testimony. A very thorough examination has been had. It arises over the appointment of a postmaster at a little place in North Carolina called Morehead City. The charge is that the Civil Service Commission first reported that a man by the name of Willis had received 80.31 per cent in an examination that had been held by the department for the postmastership of that place, and that the Democratic applicant, a Mr. Wade, had received 79.25 per cent. It was alleged that thereafter Mr. Wade, the second man on the list of eligibles, had made an application under the rules of the Civil Service Commission for a review of the ratings, that a review was granted by the commission, and upon that review the ratings were changed and Mr. Wade was given on business experience a rating of 3 per cent higher, and Mr. Willis was given a rating of about 1 per cent lower. The result of the reratings was that Mr. Wade, the Democratic applicant, received the highest rating on reexamination, and his nomination has been sent in to the Senate for confirmation, and upon the question of confirmation this committee is hearing the proof.

I think that fairly states the case.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield to the Senator, although I think it would be just as well for the Senator to let me proceed, and then ask the questions just a little later. However, I will hear the Senator now.

Mr. FRANCE. Is it not true, however, that this appeal was granted contrary to the regulations of the Civil Service Commission, which provide that all appeals must be taken within 60 days?

Mr. McKELLAR. All I know is that the Civil Service Commission itself was before our committee; it is composed of two gentlemen, one a Democrat and the other a Republican; and both testified that under their rules a reexamination had been allowed, with the result stated.

Now, to proceed:

Mr. Willis thereupon laid charges before the Post Office Committee to the effect that he had been placed in the second position because of partisan politics; that the Postmaster General had intervened, and had used his influence to have these ratings changed.

What are the facts? I am going to give the facts very briefly. Mr. Willis simply testified about his marks. He then presented the marks of his opponent. He said that the ratings were remade without notice to him, which was true under the rules of the commission, as explained by Mr. Wales afterwards. It was then that the chairman of the subcommittee produced two other witnesses, and those two other witnesses were a Mr. Craven and a Mr. Galloway—Mr. Hermon W. Craven, I think, a Republican from Washington State, and Mr. Charles M. Galloway, a Democrat from South Carolina. It seems that last March the resignations of Mr. Craven and Mr. Galloway, one a Republican and the other a Democrat, were asked for by the President of the United States, and those resignations were handed in and accepted, and those two gentlemen are no longer members of the commission.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. McKELLAR. I yield.

Mr. WATSON. Does the Senator know why those resignations were demanded?

Mr. McKELLAR. I do not; but I will say to the Senator that one of the things that will undoubtedly come out from this examination will be the reason why those resignations were asked. Without knowing what the fact may develop, I feel quite sure that it will not be any such reason as was given by the Senator from Nebraska [Mr. NORRIS] on yesterday.

Mr. Galloway was first called, and thereupon he said that his resignation had been requested last March, and it had been handed in, I believe, in July; that he had no personal knowledge of this case at all; that it was a routine matter, and that it had not come before him. That was all the evidence of Mr. Galloway that pertained to this case. But apparently that was not the reason why Mr. Galloway was summoned, for instantly he launched out into a repetition of the abuse that he had heretofore hurled through the newspapers at the Postmaster General and the Post Office Department in general.

Mr. Craven was then introduced, and it appeared from his testimony that he not only knew nothing about it, but that he was not even a member of the commission when the matter was reexamined and the reexamination marks made.

His resignation went in some time last March, and he had not any knowledge of the Morehead City case at all. And to show that it was a political matter, pure and simple, Mr. Craven at once launched out into abuse of the Postmaster General and of the administration generally.

That, with the exception of a few character and experience witnesses, was practically the proof. It all hinged on four answers—two given by each party, and I am going to read those answers right here and now so that Senators can see whether this commission did right or wrong. Mind you, Mr. Willis is the Republican applicant and Mr. Wade is the Democratic applicant. These statements I have in parallel columns, Mr. President, and I ask that they may be printed in parallel columns in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McKELLAR. I shall read the answers of Mr. Willis and Mr. Wade as to their education and business experience, and under the order just made they are to appear in parallel columns.

These are the answers of Mr. Willis to those two questions on that subject:	The answers of Mr. Wade on the same subject are as follows:
No. 3.—Southern Express Co.; Mr. K. C. Barrett, Rocky Mount, N. C. Norfolk & Southern Ry., J. P. C. Davis, New Bern, N. C. Do. J. P. C. Davis, J. H. Crawford, New Bern, N. C. Do, G. H. Henderson, New Bern, N. C. Do, A. H. Webb, jr., Morehead City, N. C.	*Questions 3 and 4.*—While attending grammar and high school worked after school hours with my father and brother, who conducted a wholesale fish establishment. After entering A. & M. College, where I worked my way, I was employed as waiter in dining hall and did stenographic work for various professors of this institution. During vacation I continued to work with my father and brother.

Have acted in capacity as clerk with salary from $55 to $87.50 per month.	No salary connected with this job. In 1910 I opened up branch fish house in Raleigh, but closed this after a little over 18 months from time it was started. In 1912 I bought a weekly newspaper and job printing office, since which time I have conducted this business, the profits therefrom belonging to me. During the sessions 1915 and 1917 of the General Assembly of North Carolina I was pay clerk and assistant to principal clerk of the senate. Average time each session, 2 months and 15 days. Salary, $4 per day and mileage, amounting to $28.80.
No. 4.—Since 1911 have conducted business upon my own responsibility in the town of Morehead City, N. C. I have conducted a coal and wood business, a butcher business, and a café. My net earnings have averaged $1,200 per annum.	The net earnings of the Coaster Publishing Co., located in Morehead City, is owned by me. The net earnings amount to $1,200 to $1,500 annually. I employ four persons regularly, superintend them during working hours, and assist generally with the work of the office. Am editor and owner of the weekly newspaper, The Coaster.

It was upon those answers that this reviewing board, composed wholly of Republicans, came to the conclusion that Mr. Wade was entitled to a rating 3 per cent higher than that of Mr. Willis upon answers to the same questions. I submit that a mere reading of those answers in parallel columns is conclusive proof to any fair-minded man, any man not blinded by partisanship, that the reviewing board was right in making the rerating.

That brings me, Mr. President, to the next phase of the situation. Remember, it is being charged that undue influence has been exerted by the Postmaster General to bring about the appointment of a Democrat instead of a Republican. Who has passed upon these papers? Of course, it has been done by Republicans, because there is practically nobody else but Republicans in the Civil Service Commission. The Civil Service Commission has been composed of Republicans from the very beginning, in the largest measure. There were seven men who had to do with these examinations. Of the two original examiners who passed on the papers and gave Mr. Willis a slight lead over Mr. Wade, one was a Democrat and the other was a Republican. The reviewing board, composed of Mr. Yaden, Mr. Hesse, and Mr. Kumler, were all three Republicans.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. In one moment. Of the two commissioners who confirmed the result, one was a Republican and one was a Democrat. So that of the seven men who have gone over these papers and given to the commission and to the department and to the country their best judgment on the matter, five of them were Republicans and two of them were Democrats.

Now, when you gentlemen on the other side attack this kind of a proceeding you are attacking your own friends in your own party. Surely they would not do you a wrong in a question of partisanship. Now I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator if he does not believe that the facts he has just narrated demonstrate that although officials in the Civil Service Commission are mostly Republicans, they are fair, not using partisan influence in their official capacity?

Mr. McKELLAR. I would not be here, as I am, defending them against the unjust attacks of the Senator from Nebraska on yesterday if I thought that they were using partisan influence.

Mr. NORRIS. The Senator from Nebraska has made no attack on the Civil Service Commission employees, and the Senator from Tennessee can not point to a line or sentence where I made such an attack.

Mr. McKELLAR. On yesterday the Senator from Nebraska stated that the Civil Service Commission was composed of such men, and these commissioners were such men, that they were allowing the alleged insidious hands of the Post Office Department to overreach them and overcome them and put Democrats in office instead of Republicans. That is the statement of the Senator.

Mr. NORRIS. On the other hand, Mr. President, I was defending a Democratic member of the Civil Service Commission because he would not permit the Postmaster General to make a political machine out of the Civil Service Commission.

Mr. McKELLAR. The Senator was taking Mr. Galloway, a Democrat, and Mr. Craven, a Republican, who had been discharged, and he was defending these discharged employees of the Civil Service Commission and making an attack upon the rest of those who are now in control of the Civil Service Commission and who have furnished these very ratings.

Mr. NORRIS. I know the Senator does not want to make a misstatement——

Mr. McKELLAR. I do not blame the Senator for withdrawing from that position, because I say to him, and to gentlemen on the other side, you have in this case a perfectly dead horse. You can not get along with it. You are in a position where you can not turn it loose without receding and you can not go on with it, because you can not defend it.

Mr. NORRIS. The Senator does not want to make a misstatement in regard to my position on yesterday.

Mr. McKELLAR. Oh, no; I do not.

Mr. NORRIS. I did not at any time attack the Civil Service Commission, and the Senator can not point to a word that I said that was an attack on them or any of their employees. I challenge him to turn to the RECORD—and I have not changed it—and point out a single charge that I made against that commission.

Mr. McKELLAR. Here is what the Senator says in his resolution:

> Whereas it is currently reported in the public press that the Postmaster General has been actively engaged in interfering with the work of the Civil Service Commission in relation to the examination and certification by said commission of eligibles from which postmasters are to be selected, and is attempting to control said examinations and certifications with a view of securing partisan political appointments to such places; and
>
> Whereas it is also reported that in carrying out such plan the President has demanded the resignation of certain members of the Civil Service Commission; and
>
> Whereas one of said commissioners, in resigning his place, has issued a public statement in which the foregoing facts are in substance charged: Therefore be it
>
> *Resolved*, That the Committee on Civil Service and Retrenchment be, and they are hereby, instructed to investigate such charges and reports, and report to the Senate, first, whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications.

Is it possible that if the Civil Service Commission has permitted the Postmaster General to control its action as to examinations and certifications made by it, it is not at fault? I can not conceive, Mr. President, anything more infamous, anything more reprehensible, than for the commission to permit any outsider to interfere with its examinations and certifications, and if it has done it, as charged in this resolution, and if the Senator's statement in the resolution is true, the other two commissioners' resignations ought to be asked for at once.

Listen to this: The only difference the Senator makes is that he does not ask the penalties to be visited upon his Republican friends on the commission. He asks that the Postmaster General be dealt with, but the other side of the controversy, to wit, the Civil Service Commission, that has been permitting itself to be overreached and overridden by the Postmaster General, according to this resolution, are to go without any condemnation, under the Senator's resolution.

Mr. NORRIS. Does the Senator think that is a charge against the Civil Service Commission and their employees?

Mr. McKELLAR. It has been published in every newspaper in the country. It is a charge, and every other man I have heard say anything about it believes it is a charge.

Mr. NORRIS. Would the Senator like the resolution better if it were enlarged so as to investigate them as well as the Postmaster General?

Mr. McKELLAR. No; and I will tell you why.

Mr. NORRIS. If he would, I would be glad to have him suggest an amendment.

Mr. McKELLAR. I will, if it is necessary. But let me say this to the Senator: I am glad the Senator has given his sanction to the two present members of the commission, as he has done just now. Before the committee that is hearing this case, Mr. Morrison, the present Democratic president of the commission, and Mr. George R. Wales, the present Republican commissioner, both appeared, and the question contained in this resolution was read to both of these gentlemen, and they both indignantly denounced it as untrue. The Senator from Nebraska is in an unfortunate position with his resolution. If the statement that is made in it is true, then the Senator's belated defense of the commission can not possibly stand. But I am here to say that in my judgment two members of the commission, one a Democrat and the other a Republican, are both fair men. I happened to serve in the House with Mr. Morrison, of Indiana, an honest, straight, fair, just man, who would not permit any man to overreach him, who would not be controlled by any man in the world; in my judgment he is far too intelligent and honest for anyone to overreach him. I want to say as to Mr. Wales, the other commissioner, the testimony shows that Mr. Wales is a Vermont Republican, recommended by the Senator from Vermont [Mr. DILLINGHAM], one of the best men in the Senate, as straight as a string.

Mr. Wales himself is an absolutely straight, impartial man—fair-minded man. There can be no question about his politics. There can be no question about his ability. He has been with the commission for 25 years. He is a faithful and honored employee. He has testified in no uncertain language that the statement made in the resolution which was introduced by the Senator from Nebraska is wholly without foundation, and surely he knows. No one has overreached him, and no one will overreach him.

Now, we have this remarkable state of affairs——

Mr. NORRIS. May I ask the Senator a question right there?

Mr. McKELLAR. I yield.

Mr. NORRIS. Both these commissioners are new. They have been in office a comparatively short length of time.

Mr. McKELLAR. That is true as to Mr. Morrison, but Mr. Wales has held honorable positions in the office of the Civil Service Commission for 25 years.

Mr. NORRIS. Yes, he was chief examiner; but will the Senator say that these men had any knowledge of the various things that happened before they became commissioners? As long as they have been there as commissioners their answer would be applicable, but it would not apply to the time before they went in.

Mr. McKELLAR. I am glad the Senator asks that question. Mr. Morrison did not so testify, because he has been there only a short time; but Mr. Wales, as I said, has grown up in the commission; he has been there for 25 years, and he has held practically every position under the commission except that of president or secretary. He has held them all. He has been an examiner; he has been a law clerk.

Mr. NORRIS. How long has he been commissioner?

Mr. McKELLAR. He has been commissioner only a few months or a few weeks, as the case may be, but there is no man in the commission or out of it that is so familiar with it. He was familiar with the facts in this case when I asked him questions. He is chief examiner, and as such has more to do with passing upon the qualifications of applicants for office than any other man in this country, in the commission or out of it. Mr. Wales said that during the whole six years of the present administration, except in due course of business in written letters, written asking for reviews in the way prescribed by the commission, there has never been any attempt by the Post Office Department to influence him in the ratings or influence anyone under him in the ratings.

The remarkable part about the thing is this—and I want to challenge you gentlemen on the other side of the Chamber right now that you can not get along on those facts, because the ratings were changed, as I said before, by a reviewing board composed of Mr. Hesse, a Republican from Pennsylvania, who frankly admits he is a Republican. They were passed on by Mr. Yaden, coming from east Tennessee, who frankly admits he is a Republican, and by Mr. Kumler, a third member of the reviewing board, who frankly admits he is a Republican. I say a charge is made that these three Republicans have joined in allowing themselves to be overridden and influenced and overreached and tampered with by the Post Office Department or the Postmaster General is thoroughly without foundation under the evidence and can not be upheld for a moment. I want to say, as I said before, that you gentlemen are just taking the wrong tack, you have a position which you can not defend, and I do not believe it will be defended when the case comes up. So much for that.

This very remarkable fact occurred in examining this record. Of course when it came to Mr. Craven, the Republican member whose resignation had been asked for, and Mr. Galloway, the Democratic member whose resignation had been asked for, the question came as to why and how they had taken this attitude toward the Post Office Department, and here is what Mr. Koons testified. Mr. Koons is First Assistant Postmaster General. He, and not the Postmaster General, has had to do with the whole of this matter; he conducts all the negotiations between the Post Office Department and the Civil Service Commission. He is fair and frank about it. He is an honest man, absolutely, and one of the best and most efficient officers in the whole Government.

Mr. Koons was asked this question: "Mr. Koons, have you ever had any conversation with Mr. Craven and Mr. Galloway in reference to the Post Office Department's activities with the Civil Service Commission?" He said, "Yes; I have." "When did you have it, Mr. Koons?" He said, "Why, immediately after the resignations of these two gentlemen were asked for by the President they came down to see me and said, substantially, 'Now, we have always gotten along with your department.'" By the way, these two gentlemen were in the room of the committee when Mr. Koons made these statements, and the statements were not denied by them. Mr. Koons said, in substance, "They came down to see me and said that the President had asked for their resignations and 'We want you to help us. We have always gotten along well with your department; we have had some little differences occasionally, but they were purely formal and official, and we know that you feel like helping us out. Won't you go to the President and ask the President to withdraw his request for our resignations?'"

That was the attitude of these two gentlemen who are now abusing the department. That was their attitude when the matter first came up and when they wanted help. They induced Mr. Koons to go in to Mr. Burleson and introduce them to Mr. Burleson, or to confer with Mr. Burleson, and they made the same statements to Mr. Burleson and asked him to intercede with the President. Mr. Burleson said it was out of his department, and he declined to do it; and immediately these same gentlemen, who had protested to be the friends of the department and to work in harmony with it, began to abuse it in the newspapers.

As I said before, I wholly disagree with Mr. Burleson and with his policies toward the employees under him. I totally disagree with Mr. Burleson in his view that the Post Office Department ought to be made a money-making machine. I do not think that was its purpose when created. I disagree with him on many matters. But when it comes to an action of this kind, without any foundation in fact at all, being taken at the behest of two men whose resignations have been asked for and given and accepted, I say it is absolutely indefensible and no fair-minded man can criticize the Postmaster General or the Post Office Department under such circumstances as that. Mr. Burleson may be unpopular, as many of you Republicans insist, but he is an honest man and he is entitled to a fair, square deal.

Mr. President, I want to call attention to what has been done. They made it appear and the newspapers have made it appear and the Senator from Nebraska has made it appear here yesterday that in certain cases that were passed upon showed that the Postmaster General was undertaking to influence the Civil Service Commission.

I want to call attention first to the order. Mind you, this is not the Civil Service Commission:

> The position of postmaster at offices of the first, second, and third classes is not within the classified civil service, and the civil-service rules and regulations do not apply to such appointments, consequently the selection of persons for nominations to fill vacancies therein is strictly an Executive function, and it is not within the jurisdiction of the Committee on Reform in the Civil Service, House of Representatives, to inquire into such nominations. If the recommendation of the Postmaster General, made (with the approval of the President) in 1914, 1915, 1916, 1917, and 1918, that these positions be by law covered under the classified service, had been followed, the committee would now have full jurisdiction in the premises. But, notwithstanding these repeated recommendations, earnestly insisted upon, no action has been taken, and as the President desired that these positions be as far removed from partisan politics as possible, he has taken all action within his power to take.

Mind you, the Postmaster General recommended that these offices be put under the classified civil service and it was not done; and the President, believing in the civil service and standing by it, issued an order that he would hold examinations himself through the Civil Service Commission and appoint the highest man, and that has been done. Let us see whether it has been done fairly and justly. The Senator from Nebraska singled out one case, and I will call his attention to it in a few minutes. But let us see what has been done in the great majority of cases:

> This order simply provides a means by and through which the President secures information for his own guidance in selecting suitable persons for nomination to the Senate.
>
> At the request of the President, the Civil Service Commission holds examinations and rates the papers and certifies the register and eligibles to this department—

That is, the Post Office Department—

> for the consideration of the President, this being the only connection the Civil Service Commission has with these appointments.
>
> Notwithstanding the fact that the Committee on Reform in the Civil Service, House of Representatives, would have no jurisdiction in this matter, which is purely an Executice function, the Postmaster General will gladly furnish the information in the utmost detail just as requested by the resolution, so that the facts which have been so grossly misrepresented may be known to the public. To furnish the detailed information required by the resolution will, however, require an immense amount of work, which will take the limited number of clerks that can be assigned to the same several weeks to complete.
>
> The records of the department since the Executive order of March 31, 1917—

I call the particular attention of the Senator from Nebraska to this:

> Number of nominations from eligible register, 1,267.
>
> Number of nominations of first eligible, 1,188, or 93.7 per cent.
>
> Number of nominations of other than first eligible because of death or refusal of first eligible to accept, 26, or 2 per cent.

Number of cases where other than first eligible was nominated because of character or residence of No. 1, 35, or 2.8 per cent.

Number of nominations of other than first eligible for various reasons such as health of No. 1—tuberculosis, skin disease—etc., 18, or 1.5 per cent.

Number of cases still in the hands of the Civil Service Commission, 466.

Number of cases before the President for consideration awaiting determination of the application of the act of July 11, 1919, 35.

Number of cases certified by the Civil Service Commission but still under consideration by the department, 285.

These figures show conclusively that the charges so frequently made that the Postmaster General is violating the Executive order of March 31, 1917, are unfair, unjust, and without foundation of fact. In this connection may I assert with as much emphasis as possible that in no case has the Postmaster General or the First Assistant Postmaster General, under whose immediate supervision these cases are handled, by letter or by word spoken, attempted to control or influence the action of the Civil Service Commission in the selection of any individual to fill any vacancy occurring in one of these positions, but have at all times observed the Executive order in letter and in spirit.

Mr. President, these facts show that over 400 post-office cases have been submitted for review to this Republican reviewing board, every member of which was a Republican. The ratings in 4 cases out of over 400 cases have been changed. There have been 400 applications, of which 4 have been changed, and largely because of those 4 changes we have here a resolution offered by the Senator from Nebraska demanding that the Postmaster General be impeached, because a Republican reviewing board has changed 4 cases out of 400 applications. If Senators on the other side of the aisle can get along on that proposition, they will do better than I think they can. It is idle, it is ridiculous. They are simply undertaking to injure these men in the Civil Service Commission—and, by the way, let me talk about that just a minute.

Do you know how many Democrats there are in the Civil Service Commission? There is one member of the commission, one law clerk, and one assistant examiner who are the only three lone Democrats that I have been able to find in the commission service. Do you know how many Republicans there are? The Republicans have had two members of the commission, they have had the secretary of the commission—and, by the way, we have had six years of Democratic rule, too, you will remember, and during all those six years the Republicans have predominated until the last few months.

The chief examiner is a Republican; the secretary of the commission is a Republican; all of the examiners except one are Republicans; and yet you gentlemen are complaining because the Republican reviewing board and the Republican on the commission have changed the ratings of 4 Democrats out of over 400! I have known the Senator from Nebraska for a long time; he is a very fair man; and I do not believe that under those circumstances, when he learns the facts disclosed in the hearing before the Post Office Committee—and here are 400 pages of them, and I am going to send them over to the Senator from Nebraska for his examination—I do not believe he will push an investigation of that kind which puts his own political friends on the commission—and I mean nothing discourteous by that, because so far as I have been able to see they are fair and just men—and I believe the Senator from Nebraska will agree that they ought not be put in an awkward position. Everyone of them has decided the case against the Senator in the previous investigation. When the matter comes up before the Civil Service Committee you are going to find all of your Republican friends on the commission telling you that you are wrong about it, for you are wrong about it.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. NORRIS. I wish again to remind the Senator from Tennessee that he is not correctly stating my position.

Mr. McKELLAR. Then, I am glad I am not.

Mr. NORRIS. The Senator is putting up a straw man and knocking it down. I have made no attack, and I make no attack, on the Civil Service Commission or its employees; and I again challenge the Senator to find in my remarks on yesterday anything which may bear the construction which he is placing upon them.

Mr. McKELLAR. I leave it to fair-minded men. The Senator's resolution charges that the Civil Service Commission has permitted the Postmaster General to interfere with its duties. Let me read it. It charges——

Mr. NORRIS. Commence at the beginning.

Mr. McKELLAR. Wait a minute.

Mr. NORRIS. Read it all again.

Mr. McKELLAR. I do not want to read it all again. The resolution, in part, reads:

Whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications.

If he has, the Civil Service Commission certainly are grievously at fault and they ought not to occupy their positions. But I am defending them and say they have not permitted the Postmaster General to interfere with their duties, and that the testimony shows that the Postmaster General has not attempted to do so. In the name of Mr. Morrison, the splendid Democratic member of the commission, and of Mr. Wales, the equally splendid Republican member of the commission, I challenge any member of the subcommittee—and one of them is present now, and there was another one here a few moments ago—to say if George R. Wales and Martin Morrison, in their testimony and in their demeanor before the committee, did not fully justify the estimate which I have placed upon them.

Mr. President, there are one or two other matters about which I wish to talk for just a moment which were referred to on yesterday by the Senator from Nebraska. One is the Greenup case at Bremerton, Wash. It was a case which was brought to the attention of the Assistant Postmaster General and of the committee by Mr. Craven, of Washington, the member of the commission whose resignation was asked for. The postmaster at Bremerton had died or resigned, and an examination was had. The Republican examiners held the examination and reported in favor of a man by the name of Greenup as having the highest rating. As soon as their report came in to the Postmaster General, or rather to the Assistant Postmaster General—the Postmaster General had nothing in the world to do with these matters; Mr. Koons looked after them, and I do not suppose the Postmaster General ever heard of any of these cases—when the name of Mr. Greenup was sent in as the highest eligible, and whom the President was to appoint under the rule, the Post Office Department wrote a letter, which is in the record, stating that Mr. Greenup had been assistant postmaster at that place until a few months previously; that he had embezzled the Government's funds; that he had been indicted for that offense; that he had pleaded guilty to the indictment and had been fined $150 by the Federal court for embezzling the funds of the Government. Under those circumstances the Post Office Department declined to appoint Mr. Greenup and asked for another examination.

Mr. Craven sent out an inspector to ascertain whether or not the statements were true; he did not take the word of the Post Office Department; but really undertook in his testimony to defend the certification of Mr. Greenup, as will be found. I asked "Why, is it posible, Mr. Craven, that you were not willing to thank the Post Office Department of the Government for calling your attention to such a matter?" Finally, after a vigorous cross-examination, he admitted that this man ought not to have been appointed; and he was not appointed. Is there anything wrong about that? Ought the Postmaster General to be impeached for not submitting to a certification like that?

Something was said about a Texas case, and I have a letter that was sent to Chairman TOWNSEND, of the Post Office Committee, to which I desire to call attention. This letter was written by Mr. Koons. If I have made a mistake about the Bremerton post office, I shall be obliged to the Senator from Washington [Mr. JONES] if he will correct me, as the post office is in his State.

Mr. JONES of Washington. Oh, Mr. President, I have had very little connection with the post offices in my State during the last eight years, and I know nothing about the facts in connection with that case.

Mr. McKELLAR. I am delighted to hear the Senator make that statement. I knew that he would not defend an appointment of that kind. The letter to which I have referred reads:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, August 20, 1919.

Hon. CHARLES E. TOWNSEND,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR TOWNSEND: I have your letter of the 18th instant requesting the department to furnish for the use of the committee all inspectors' reports regarding the postmaster at Willis, Tex., as well as any charges which have been preferred against the nominee for postmaster at Willis, Mr. Charles F. Butts.

In reply you are advised that the postmaster at Willis died several months ago, and it is therefore assumed that you do not desire any inspectors' reports relating to his record. As a result of the postmaster's death an examination was held by the Civil Service Commission for postmaster at Willis, as a result of which Mr. Charles F. Butts was certified as the highest eligible for appointment. Charges having been preferred against Mr. Butts, an investigation thereof was made by a post-office inspector, and as the report indicated that the advisability of his appointment was questionable it was submitted in accordance with the usual practice in these cases to the Civil Service Commission for review, for the purpose of determining whether his name should be eliminated from the eligible register. The inspector's report dated March 15, 1919, a copy of the department's letter to the commission transmitting the report, and the commission's reply dated May 14, 1919, are inclosed herewith. You will observe that the commission concluded that there was

no ground for cancellation of the application of Mr. Butts. In view of this report of the commission, the department could take no action in the matter in view of the provisions of the Executive order of March 31, 1917, other than to submit his name to the President for appointment.

These papers are furnished at your request for the confidential information of the committee, and with the request that they be returned as soon as possible to the department.

Very sincerely,

J. C. KOONS,
Acting Postmaster General.

Here was one of the 396 cases out of the 400 that the reviewing board upon which attacks have been made failed to change. What was the result? The Post Office Department sent the name in to the President, it being the first name on the eligible list. The President sent the name to the Senate, and the Senate rejected Mr. Butts because, it is supposed, of his character as shown by the department investigation. That is the situation; all you have to do is to examine into the cases. Whatever else may be said about Mr. Burleson, in the light of this evidence, you can not charge him with having debauched the Civil Service Commission. In the first place, he has not done so and has not tried to do so, and, in the second place, I say that the two civil-service commissioners are such men as can not be debauched by Mr. Burleson or by any other man. They are men of the highest character and standing.

Incidentally I might say that seven men have passed upon the Morehead City case, five Republicans and two Democrats. Five of these gentlemen, four Republicans and one Democrat, have testified that the ratings as changed were proper ratings. Senators on the other side have a majority; they can defeat Mr. Wade, who has been nominated under these circumstances, but whenever they do they turn down their own partisans on the commission, members of their own party who have testified and sworn that these ratings were correct.

The Senator from Nebraska says he made no attack upon these gentlemen and that they bear good reputations. In that I cordially agree, and if they have not done any wrong in this case I know the Senator from Nebraska, honest and honorable man as he is, will uphold the members of his party when they have done no wrong.

Mr. President, as I have heretofore said, the truth of the matter is that the proposed investigation is purely political. Some Senators on the other side of the Chamber have thought that this was an opportune time to "jump on" a member of the President's Cabinet. The resolution was offered and I voted for the resolution, for I court the utmost investigation of these matters, but when they are investigated Senators will be absolutely convinced that the Civil Service Commission is an honorable, upright, and splendid body, and that the Postmaster General has not undertaken to override or overreach that commission. I have tried very strenuously before our subcommittee to get that committee, before which these charges have been made, to permit Mr. Burleson to come before the committee and be heard in his own defense, but up to this time the subcommittee has refused to hear him. It has heard elaborate charges against him, but will not permit him to be heard in his own defense. The charges are therefore confessedly purely political, and, as I believe from the evidence, without foundation.

Mr. NORRIS. Mr. President, the Senator from Tennessee has been engaged now for an hour in putting up straw men and knocking them down. He has enjoyed it, and I certainly have no objection. He has continually attempted to convey the impression that the resolution I have introduced is an attack on the Civil Service Commission, and then he mentions names of two members of the Civil Service Commission now in office and says they are high-minded, able men. With that I agree. I happen to have served in the House with the Democratic member, and I have a very high regard for him. I know that Mr. Wales, the other member, has been in civil-service work nearly all his mature life. I do not think he has any politics, although he is designated as a Republican. I have made no attack on either of them.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. What was the statement the Senator made about Mr. Wales?

Mr. NORRIS. I said that he had been engaged in the civil-service work nearly all his mature life; I did not think he had any real politics. He has been out of politics ever since he has been connected with the commission.

Mr. McKELLAR. Mr. President, I am always for defending a good man, even if he is a Republican; and I wish to say about Mr. Wales that he is such a good Republican that when it comes to important national elections, as I am reliably informed, he pays his own way, goes to Vermont like the gentleman and Republican that he is, and votes the Republican ticket. He is that kind of a Republican, and that is perfectly proper.

Mr. NORRIS. I am glad to hear that. That certainly is in his favor and is quite a good recommendation for him. But, Mr. President, the idea I want to convey—and the Senator from Tennessee will agree with me in it I know—is that during all the time Mr. Wales has been connected with the Civil Service Commission there never has been, so far as I have been able to determine or hear, any charge made against him that he was ever trying to use his position for the sake of getting a party advantage for anybody. In other words, he has been enforcing the law and holding the examinations as he believed to be right, regardless of politics. The Senator seems to think that I am fighting his confirmation in the Senate. I know of no objection to his confirmation. I have none. I am not personally acquainted with Mr. Wales. I know only some of his work, and know him somewhat by reputation, and I do not know anything against him. I never have made a charge against him; and regardless of the eloquence of the Senator from Tennessee he can not construe this resolution into such a charge or as to Mr. Morrison, either. The things that I have complained of have not taken place under these commissioners.

The Senator from Tennessee mentioned some cases that I know nothing about. I have no doubt that he can find dozens of other cases where justice was probably done. It is a remarkable fact, however, that in the action of the Post Office Department on these examinations, whenever a Democrat—at least, the right kind of a Democrat—is the eligible, he is nominated; his name is sent in. An investigation will show, I think—I have not made it—that a large majority of the cases that have been held up are cases where Republicans were at the top of the list in the examinations held by the Civil Service Commission.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. Has the Senator made any examination as to the politics of the majority of the postmasters that have been appointed in his own State under this order since it was made?

Mr. NORRIS. I have not examined any of them except those which have been brought to my attention by some contest; and in every instance in those cases the objection by the Post Office Department to the man selected by the Civil Service Commission has been urged against a Republican.

Mr. McKELLAR. Is not that perfectly natural, when you come to think of the fact, that the examiners who pass on the qualifications of all these applicants are all Republicans, that the reviewing board is composed of Republicans, that the secretary of the Civil Service Commission is a Republican, and that one of the two members of the commission itself is a Republican?

Mr. NORRIS. No.

Mr. McKELLAR. Is it remarkable at all?

Mr. NORRIS. No; that is not remarkable, after the statement of the Senator from Tennessee that these Republicans have been doing such wonderfully good work and that he has no complaint to make against their work. Now, I do not care, as far as I am concerned, whether the successful ones belong to one party or to the other. If we are in earnest about enforcing this law, we must entirely disregard political affiliations in the selection of postmasters.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator.

Mr. McKELLAR. I, of course, feel sure that the Senator wants to be fair about this; and my complaint is not that the Senator does not want to be fair, but that the Senator has not investigated. For instance, in his own State I am reliably informed that since this order has gone into effect a majority of the first eligibles that have been reported and a majority of the postmasters appointed and confirmed in Nebraska since this order has gone into effect were Republicans.

Mr. NORRIS. Where did the Senator get his information?

Mr. McKELLAR. I got the information from the department.

Mr. NORRIS. From the Post Office Department?

Mr. McKELLAR. I did.

Mr. NORRIS. How did the Post Office Department find it out?

Mr. McKELLAR. I do not know.

Mr. NORRIS. If they were doing their duty as the order and the law intended them to do it, they would not know the politics of these men. Why is the Postmaster General going out and investigating the politics of men who are applicants for post offices when we have this great, big, broad order that

says we are going to eliminate politics from the consideration of the entire question?

I have not investigated in any case except where there has been a contest in my State, and I gave some illustrations of it yesterday. I should like to have heard the Senator from Tennessee give his opinion as to whether or not I, as a Member of the Senate, and part of the appointing body under the Constitution, having an official duty to perform, had a right to go into the Post Office Department down here, presided over by the man he has eulogized so much, and ask to see the papers and the evidence where there was a contest. I have not heard the Senator say anything about that.

Mr. McKELLAR. Mr. President, does the Senator want to know?

Mr. NORRIS. Yes.

Mr. McKELLAR. I think it is not only the Senator's privilege and not only the Senator's right, but I think it is the Senator's duty, where any of his constituents'——

Mr. NORRIS. I knew the Senator would say that.

Mr. McKELLAR. Just one moment. Where any of his constituents' interests are at stake I think it is his duty to inquire about it, and if he does not know about their politics, he ought to inquire about that. I will say that if the Senator wants my opinion.

Mr. NORRIS. I would not go as far as the Senator. If we are going to keep them out of politics, then we ought not to go into the partisan question, and I am one who believes in keeping them out of politics. I have believed in it for a great many years. I believed in it when my party had control over the post offices, and I tried to bring about a law that would put them under the jurisdiction of the Civil Service Commission. I favor it yet. There never was a Member of Congress or a citizen of this country who felt better than I did when President Wilson issued that order taking them out of politics; and if the administration had only carried it out in good faith there would have been no complaint from me. That order was issued on the 31st day of March, 1917. Now, you will remember that the order provides that when there are vacancies the Postmaster General shall call upon the Civil Service Commission to hold examinations, and although that order was issued on the 31st day of March, 1917, the first examinations under a call of the Post Office Department took place in April, 1918. It was more than a year after the order was issued before the Postmaster General even tried to put it into effect. Do you think the President could have been in ignorance of this neglect of duty of the Postmaster General? If he wanted his order obeyed and carried out in good faith, would he not have compelled action sooner than this?

The Civil Service Commission has been issuing statements every month for the benefit of those who want to take the examinations. There is a different examination held in post offices where the salary is $2,400 or more. According to those statements, the total number of post offices paying more than $2,400 salary for which examinations have been held from April, 1918, the date of the first examination, up to and including June, 1919, was 146, and out of that total of 146 there have been only 66 nominations—that is, for the important offices. There is more desire to control them than those that are lower down. The Senator has given some statistics about unimportant post offices. I know nothing about it. I am willing to accept it. Nobody claims that in every post office an attempt is made to control the action of the Civil Service Commission.

Mr. President, these post offices with a salary of more than $2,400 have, as I said, a different system of examination. They are not, of course, under the civil service, because, as I said yesterday, it was impossible to place them there completely. Even Congress could not do that by law; it would be unconstitutional, because the President has the power to appoint postmasters to presidential offices. So that in the examinations held for postmasters drawing a salary of more than $2,400 there was at first quite a contest in the commission. Mr. McIlhenny, the chairman of the commission—and, by the way, I understood the Senator to say that this commission had two Republicans and one Democrat. It has had two Democrats and one Republican ever since Mr. Wilson was President.

Mr. McKELLAR. Oh, no; Mr. McInhenny and Mr. Craven were both Republicans, and Mr. McIlhenny went out just a short time ago. I am sure the Senator has not looked into this question.

Mr. NORRIS. Mr. President, it is of very little importance, but my understanding is that Mr. McIlhenny is a Democrat.

Mr. McKELLAR. Oh, no; oh, no. He was appointed by President Roosevelt, and he is a Republican.

Mr. NORRIS. Oh, well, President Roosevelt appointed Democrats, and there was a good share of the time that President Taft was President when the commission was composed of two Democrats and one Republican.

Mr. McKELLAR. Oh, there never was any question about Mr. McIlhenny's politics. The Senator had better look into this matter, because the entire commission is Republican.

Mr. NORRIS. As I say, I do not care whether he is a Democrat or a Republican. I understood that he was a Democrat. Probably I got that from the fact that when he got into trouble with the other two commissioners, and they could not get along for a while, there is not any doubt that Burleson was trying to get him out, and he could not get him out until they found a nice place to put him, and President Wilson put him in another job drawing $10,000 a year salary, where he is nicely situated now. I supposed, therefore, he was a Democrat. At least it is safe to say he was a Wilson supporter. His reward shows that.

As I said, in these more important offices, where the salary is $2,400 or more, the examination is to a great extent under the control of the Post Office Department. The other two commissioners did not want to hold it in that way, but Mr. McIlhenny did. The Republican, Mr. Craven, and the Democrat, Mr. Galloway, wanted the Civil Service Commission to hold these examinations entirely without the assistance of the inspectors of the Post Office Department, but the chairman of the commission, Mr. McIlhenny objected, and it was put up to the President to decide, and he agreed with the chairman, so that to quite an extent the President, by this decision, took the offices of the highest class out from under the control of the Civil Service Commission.

Mr. McKELLAR. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. Yes.

Mr. McKELLAR. The Senator understands that quite a majority of all of the district inspectors who make these examinations with the inspector from the Civil Service Commission are Republicans. Just take my case.

Mr. NORRIS. I do not care for that.

Mr. McKELLAR. I know the Senator does not.

Mr. NORRIS. The Senator has not claimed that they are doing anything wrong, or that they are violating the law, or that they are not enforcing it in good faith.

Mr. McKELLAR. But the Senator is, indirectly.

Mr. NORRIS. No; I am not.

Mr. McKELLAR. I am glad the Senator is not.

Mr. NORRIS. The Senator is trying to make me do that, but I will not.

Mr. President, I have here an article printed in the Philadelphia Press that gives such a good description of the difficulty that first arose down there in the Civil Service Commission between the chairman and the other two members, and the methods the Postmaster General had taken to take these examinations partly out from under the control of the Civil Service Commission, that I ask that it may be printed as a part of my remarks without reading.

The PRESIDING OFFICER. There being no objection, the article will be printed in the RECORD.

The matter referred to is as follows:

[From the Philadelphia Press of August 28, 1919.]

SENSATIONS SEEN IN CIVIL-SERVICE QUIZ; BURLESON ACCUSED—COMMISSION "GREATLY ABUSED," CHARGE—WILSON SUPPRESSES HOT NOTE FROM GALLOWAY—GET FACTS OF SHAKE-UP—"COLLUSION BETWEEN UNITED STATES POSTAL INSPECTORS AND CIVIL-SERVICE AGENTS GENERAL," HINT.

(By Charles R. Michael.)

WASHINGTON, *August 27.*

A sensation is promised in the investigation now being made by civil-service advocates against the conduct of the Civil Service Commission, which, it is alleged, has been greatly abused by Postmaster General Burleson. Commissioner Galloway, it is asserted, has written a letter to President Wilson which makes very serious charges against Mr. Burleson. This letter has been suppressed.

Although the principals in the matter are reluctant to give out information, little by little, from various sources, the facts with reference to the recent shake-up in the United States Civil Service Commission are coming to light.

Because of certain information that had come to President Wilson with reference to the Civil Service Commission he invited Commissioners Galloway and Craven to the White House for an interview on July 5, 1917. The President deemed the matters that were discussed of such importance that he requested the two commissioners to call for a second conference on July 9, 1917. The facts relating to the official conduct of Mr. McIlhenny, chairman of the commission, already in the possession of the President, and the facts presented to him by the two commissioners, the one a Democrat and the other a Republican, were of such a nature that a short time after these interviews Postmaster General Burleson, speaking with authority, informed Galloway and Craven that McIlhenny was going to be removed just as soon as a man could be found to take his place. Soon after Burleson offered McIlhenny's place to Victor Murdock, but Murdock turned it down for a

place on the Federal Trade Commission. Then Burleson offered the place to Robert W. Woolley, who preferred an appointment as Interstate Commerce Commissioner.

HELD FOR $10,000.

But, after all, Mr. McIlhenny did not go. He stayed for 18 months. He stayed until the administration could find him a good fat $10,000 job to go to, taking with him a letter from the President praising him highly for his conduct as civil service commissioner. Why did he stay? Why did Burleson's zeal in ousting McIlhenny and selecting his successor lag? It was because Burleson needed McIlhenny in his business—and this brings up the matter of examinations for presidential post offices, especially those paying a salary of more than $2,400.

"Business training and experience" is the principal thing in these examinations. Who collects the facts upon which an applicant is rated on business training and experience? A post-office inspector. From whom does the inspector collect these facts? From persons living in the town where the post office is located. Who selects the persons to be interviewed by the inspector as to an applicant's business training and experience? The inspector does—with such hints as may be given by the department.

On these investigating trips the post-office inspector is accompanied by some one connected with the Civil Service Commission, who, it is perfectly safe to say, never finds it advisable to differ very much from the inspector—he simply goes along. The information collected by the inspector is forwarded to the commission, where it is rated.

It is obvious that this kind of an examination, considered as an examination by the Civil Service Commission, is susceptible to abuse. At least, there is abundant ground for a difference of opinion as to its advisability.

SPLIT ON EXAMINATION.

Burleson and McIlhenny favored this kind of an examination. Galloway and Craven voted against it, and this was an unwise step if their highest desire was simply to hold onto their jobs. The President, having given the Civil Service Commission over to Burleson as an appendage of the Post Office Department, any opposition to the wishes of Burleson was unpardonable.

The matter was finally left to the President, who pronounced in favor of the plan proposed by Burleson and McIlhenny—the plan which is now pursued in these examinations. Of course, after the President decided in favor of this kind of an examination, Galloway and Craven withdrew all opposition to it and tried to have the examinations for all presidential post offices conducted honestly and impartially and favored the nomination of the applicants who stood highest in the examinations, in accordance with the plain terms of the Executive order of March 31, 1917, providing for such examinations and nominations. In pursuing this course there were cases in which they were unable to carry out Burleson's wishes—hence Burleson's demand that the President request the immediate resignation of Galloway and Craven.

Mr. NORRIS. Mr. President, there are several things that I should like to take up that I am not going to take up now. I may go into them again, but I understand that the Senator from Wisconsin [Mr. LENROOT] is to speak on the league of nations and the treaty with Germany, and I do not want to interfere with him.

I want to call the attention of the Senate, however, to some written charges made against the Postmaster General by Mr. Galloway. Just before I read them, I want to say again that the particular things that I referred to in reference to the impeachment of the Postmaster General have not even been referred to in the reply made by the Senator from Tennessee [Mr. MCKELLAR].

Under date of March 17, 1919, Mr. Galloway, a Democratic member of the Civil Service Commission, filed the following charges at the White House, duly signed:

1. Through the efforts of the commission's district secretary at San Francisco it was found that Clarence Tynan, second-class postmaster at Salinas, Calif., had solicited political contributions from postmasters in Monterey County, Calif., in violation of sections 118 and 119 of the Criminal Code. On the evidence submitted the commission recommended to the Attorney General that steps be taken for the prosecution of Mr. Tynan for his violation of sections 118 and 119, and the Post Office Department was requested, on December 21, 1916, to remove him from the service. He was indicted, tried, convicted, and fined $175. The department was repeatedly requested by the commission to remove this postmaster, but Mr. Burleson refused to do so.

About June, 1917, Mr. Burleson requested me to come to his office, where he urged that the commission dismiss or remove Mr. Snyder, our district secretary at San Francisco, because of his activity in collecting the evidence against Postmaster Tynan. I considered that this was a dishonorable proposition and refused to entertain it, as Mr. Snyder had done nothing more than his plain duty.

Now, Mr. President, I will not read all of this, but I will ask to have it all printed. For the reasons given before, I want to hurry through. But I am going to read No. 5 of the charges, which is as follows:

5. Just before the last congressional election, Mr. McArdle, secretary of Mr. Burleson, addressed a letter to the postmasters in the State of Nevada, urging the postmasters to do everything in their power to reelect United States Senator HENDERSON. In some way a copy of this letter fell into the hands of Senator PENROSE, of Pennsylvania. Senator PENROSE had the letter read into the CONGRESSIONAL RECORD. The commission took cognizance of the case by addressing a letter to Mr. McArdle asking him for a statement in the matter. This letter remained unanswered for several weeks. Again Mr. McArdle was written to in an effort to obtain a statement from him. To neither of these letters has the commission yet had a reply. I have understood from some source that Mr. Burleson told Mr. McArdle to pay no attention to this commission's request in this case.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

1. Through the efforts of the commission's district secretary at San Francisco it was found that Clarence Tynan, second-class postmaster at Salinas, Calif., had solicited political contributions from postmasters in Monterey County, Calif., in violation of sections 118 and 119 of the Criminal Code. On the evidence submitted the commission recommended to the Attorney General that steps be taken for the prosecution of Mr. Tynan for his violation of sections 118 and 119, and the Post Office Department was requested, on December 21, 1916, to remove him from the service. He was indicted, tried, convicted, and fined $175. The department was repeatedly requested by the commission to remove this postmaster, but Mr. Burleson refused to do so.

About June, 1917, Mr. Burleson requested me to come to his office, where he urged that the commission dismiss or remove Mr. Snyder, our district secretary at San Francisco, because of his activity in collecting the evidence against Postmaster Tynan. I considered that this was a dishonorable proposition and refused to entertain it, as Mr. Snyder had done nothing more than his plain duty.

2. About 13 months ago the commission held an examination for presidential postmaster at Buffalo, Wyo. Four persons took the examination. One qualified. After the lapse of 13 months Mr. Burleson returned that case to Commissioner McIlhenny, who, without consultation with the commission, directed that the papers be rerated in the hope of disqualifying the highest eligible and thereby ordering a new examination. The case came to my desk after the papers had been rerated and the examiners had determined that the man who 13 months ago had been rated as eligible was then ineligible. Knowing of Commissioner McIlhenny's underhanded methods of not allowing such cases to come to the commission, as they should in the ordinary course of business, I disagreed with our examiners in the case and reaffirmed the original rating and declined to hold a new examination. Commissioner Craven joined me in this decision. To have declared this man ineligible after 13 months had elapsed would have made the Civil Service Commission a laughingstock and have absolutely destroyed confidence in its ratings. Many months after the examination was held the Post Office Department sent an inspector to Buffalo to investigate the eligibles. The only thing that the post-office inspector reported against the highest eligible was that he was "inclined to buy everything he saw, although he was not in debt," and also that "he had a poor memory."

3. Early in 1917 an examination was held for presidential postmaster at Lockhart, Tex. On November 14, 1917, the following certifications were made to the Post Office Department:

Name and grade.	
Tyre H. Brown	86.85
Tom F. Harris	85.55
Albert S. Grigsby	82.20
Miss Emma K. Burleson	81.15
Mrs. Daisy Franks	71.00
Hugh W. Pritchard	66.85
Joe L. Lancaster	47.40

Shortly after this certification was made to Mr. Burleson his secretary, Mr. McArdle, called me on the telephone and said that the Postmaster General's niece, Miss Emma K. Burleson, was fourth on the list, and that the Postmaster General was very greatly interested in the case and desired me personally to see to it that the papers were rerated for the purpose of making his niece number one on the list. Then the case came to me with a letter from the First Assistant Postmaster General formally requesting that the papers be reviewed. I directed that the papers be reviewed, and wrote to the department that after a careful review and reconsideration of the papers it was found that no change could be made in the ratings. These letters, of course, are in the files of the commission.

4. In August, 1918, Mr. Burleson, through his secretary, telephoned to me that Mr. Eugene Reed, a former Member of Congress from New Hampshire, and then a candidate for the United States Senate from New Hampshire, was being sent down to see me with reference to the postmastership at Portsmouth, N. H. He said he was very anxious to have a man in whom Mr. Reed was interested appointed postmaster at Portsmouth, and urged me to make his man number one, if possible. In a little while Mr. Reed came in and stated his case, urging the importance of his candidate's appointment in assisting in his candidacy for the United States Senate. I had a very pleasant chat with Mr. Reed and told him that the only thing I could do for him was to inform Mr. Burleson of the name of the man who was rated the highest, as it was our understanding that no information concerning presidential postmaster examinations should be given out at the commission's office. I told him I would do what I could to expedite the examination of the applicants and would advise Mr. Burleson as early as possible of the name of the highest eligible.

5. Just before the last congressional election Mr. McArdle, secretary to Mr. Burleson, addressed a letter to the postmasters in the State of Nevada, urging the postmasters to do everything in their power to reelect United States Senator HENDERSON. In some way a copy of this letter fell into the hands of Senator PENROSE, of Pennsylvania. Senator PENROSE had the letter read into the CONGRESSIONAL RECORD. The commission took cognizance of the case by addressing a letter to Mr. McArdle, asking him for a statement in the matter. This letter remained unanswered for several weeks. Again Mr. McArdle was written to in an effort to obtain a statement from him. To neither of these letters has the commission yet had a reply. I have understood from some source that Mr. Burleson told Mr. McArdle to pay no attention to this commission's request in this case.

6. The commission recently held an examination for the third-class post office at Fries, Va., and the results were certified to the department. The department returned the papers to the commission, stating that it had been discovered that the highest eligible had at some time in his life lost one hand, and requesting the commission to declare the highest man ineligible because of this defect. Mr. Craven and myself voted against the cancellation of his eligibility, Mr. McIlhenny voting in favor of it.

A great many presidential postmaster cases have been sent to Commissioner McIlhenny for rerating in the hope of declaring the highest man ineligible. Of course, I am not in position to say what Mr. Burleson may have said to Mr. McIlhenny in these cases, because Mr. McIlhenny has persistently withheld from the commission everything that it was possible for him to withhold. Commissioner McIlhenny has performed innumerable acts in the name of the Civil Service Commission of which the commission had, in fact, no knowledge. One of the three men, Mr. Yaden, who examines the presidential postmaster papers, made the state-

ment to me that Commissioner McIlhenny practically dictated the ratings in every examination for presidential postmaster. In view of the situation which has existed at this commission since I became a member on June 20, 1913, it has been impossible for Commissioner Craven and myself to learn just what was going on here because of the fact that Mr. McIlhenny had an air-tight organization within the commission which did his absolute bidding. This situation continued until June 26, 1917, when I informed Mr. McIlhenny that this matter of maladministration could not longer continue. On July 5 and on July 9 Commissioner Craven and I reported the situation to the President personally. Even after that date I went along pleasantly with Mr. McIlhenny in an effort to do team work, until in October, when I caught him in a falsehood, and, confronting him with it, he called me a liar, which I promptly resented.

I mention these cases specifically in order to show that Mr. Burleson had a motive for favoring my retirement from the Civil Service Commission.

Inclosed herewith please find a statement made by the secretary of the commission with reference to the one and only sharp controversy I had with Mr. McIlhenny.

Sincerely, yours,

CHAS. M. GALLOWAY.

Mr. NORRIS. In conclusion, Mr. President, I want to read two letters from a prominent Democrat of my State, which, in a way, may be said to be in defense of Mr. Burleson. I have no doubt that in the Democratic Party there are many pie-counter statesmen who objected to the order of President Wilson, who do not want it enforced, who did not want it made in the first place, who would be glad to see Mr. Burleson disregard it more than he has disregarded it, and who are angry with Mr. Burleson because he has not disregarded it more than he has. There is not any question about that.

I have no sympathy, of course, with those men. They are entitled to their opinion. I am not finding any fault with them. I do not believe that that is proper, however. I think that we ought to see, as far as we can, that this order is enforced in good faith. I am going to read two letters from a man well known in my State, a prominent Democrat, in which he condemns Mr. Burleson in order to satisfy some of his Democratic friends that the senior Senator from Nebraska is not able always to get Democrats in office. The first of these letters reads:

UNITED STATES SENATE,
Washington, D. C., May 31, 1919.

That is the letterhead.

MY DEAR MRS. WEEKES: I have your letter and hasten to reply.

Burleson says "result of examination is only thing that will count—no politics—makes no difference if a Republican is chosen."

That is the kind of a Postmaster General we have, and this is what makes Democrats boiling hot and has caused numbers of them to band together to insist upon Burleson's removal.

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

We will likely suffer the distinct embarrassment one of these days of seeing a Republican newspaper man who writes bitterly partisan copy being chosen to supplant a Democrat in one of our good Nebraska towns. We held the appointment up for a long time—

You notice, he says "we"—

by checkmating confirmation, but will be unable to do so with a Republican majority.

All of this is a burning shame, but Burleson, the tyrant, has the upper hand and proposes to keep it.

There is one ray of light, however, and it may penetrate the dark recesses to Democratic advantage before the Norfolk postmaster is chosen.

If Burleson is removed before the appointment comes it may be that his successor will see to it that justice is done. I will watch developments closely and will keep you advised.

Again I say, Burleson should be "strafed"; then Democracy would stand at least an even chance of survival. Otherwise I fear the sins of this tyrant will be visited upon our party for years to come.

Cordially and sincerely, yours,

(Signed) EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, who is Earl B. Gaddis? Earl B. Gaddis is the Washington correspondent of the leading Democratic newspaper in my State, owned, edited, published, and controlled by my colleague, Senator HITCHCOCK; and I might add that Mr. Gaddis draws a salary from the Treasury of the United States. He is not permitted to go into the Senate press gallery, because, under the rules of the Senate and the press gallery, he can not be admitted because of his official position. But by virtue of the favor of my colleague in his appointment of Mr. Gaddis as his secretary, he is admitted where other newspaper men can not be admitted—on the floor of the Senate. He sat over on the Democratic side part of the time yesterday while I was speaking, and he just left the Chamber a few minutes ago.

Mr. President, later on, on July 31, Mr. Gaddis wrote another letter.

Mr. HITCHCOCK. Mr. President, I did not hear what the Senator read from Mr. Gaddis first. What was the communication?

Mr. NORRIS. I read a letter. I am just going to read another one.

This is written on United States Senate stationery:

UNITED STATES SENATE,
Washington, D. C., July 31, 1919.

The other one was written on May 31.

MY DEAR MR. WEEKES—

I suppose he is the husband of the woman to whom he wrote the other letter—

Have your letter of the 19th, and hasten to reply to it—

He received the letter of the 19th, and he answered on July 31. He has been hastening pretty rapidly, you will observe.

Mr. MOSES. The Senator must remember that the mail service is interrupted nowadays, since it has been Burlesonized.

Mr. NORRIS. It is either that he is mistaken or else he will have to charge it up to Burleson. The letter reads:

Have your letter of the 19th and hasten to reply to it.

Reference to the Ainsworth matter, which you mention as having been cited to you in the Senator's letter of May 31—the Senator could not obtain the appointment of a man there friendly to the Democratic cause.

When a Republican was named he managed to hold up the appointment. That was all he could do. But now, under a Republican Senate, he will be forced to give up that and must see a shameless Republican named for the place. At no time, under this new system of Burleson's, did the Senator have the remotest chance of naming a Democratic friend.

Also with reference to the Scottsbluff matter, mentioned in Arthur Mullen's office—

Arthur Mullen is the Democratic national committeeman of the State of Nebraska—

in Mrs. W's presence—we did not wire for the name of a man to name there. We merely suggested to Arthur that he get some Democrats in the examination there who might stand strong chances of passing the examination. We made it perfectly plain to Arthur that our only hope lay in getting some Democrat in the race there who could stand the examination.

I might add that the outlook now is that a Republican topped the list and must be named for the place. HITCHCOCK has no more chance of getting a Democrat in there than a snowball has in August weather in Nebraska.

So you see, with these facts in your possession, there is anything but politics being indulged in by the administration in naming of postmasters.

Senator HITCHCOCK has agreed with few things which this man Burleson has done since taking office—particularly since the war came on. And he has voiced that disagreement as many other Democrats have done. But not a Democrat here in Washington has the least thing to do with naming of postmasters. All they can do is get their friends to take examinations and pray that civil-service marks will lead later to their elevation to the places. That is all the good Lord could do if He were a Democrat now and here trying to get justice for His party in the naming of His postmasters.

If Gentle, at Norfolk, is not a loyal American—

That was the man who was a Republican, and who won out on the examination. Here is the suggestion as to how to get him out:

If Gentle, at Norfolk, is not a loyal American or is an immoral citizen his appointment can be held up. But those are the only grounds upon which there is the slightest show of keeping him out of the place.

I agree with what you say about the damned inconsistencies in running the Post Office Department this way. It is a shame that we must endure it, the Lord knows. But the game can not be beaten the way it's played just now. Thank Heaven, there may be a way opened up later whereby it can be beaten.

Now, listen to this:

But when that time comes it may be too close to the time the Republicans will take the administration away from us, simply because they play politics to the limit all the time.

Arthur Mullen understands the difficulties precisely. Talk the matter over with him some time, or if you are in Omaha on July 24, when the national chairman and his party are there, join them and hear what they've got to say on the subject.

With kind regards and best wishes,

(Signed) EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, when the President and Mr. Burleson started out on this plan, which I believe was right, to take the post offices out of politics, they must have expected condemnation from politicians of that kind. They must expect to be condemned. And when they refuse to go as far as the pie-counter statesmen would like to have them go, then they are condemned, of course. But Mr. Burleson is unworthy of his office unless he has the courage and the nerve to stand up against such politicians and pie-counter statesmen.

Mr. President, there is more that I expected to bring out and to read at this time, but because of the hour, and because the Senator from Wisconsin desires to make some remarks on the peace treaty, I will close for the present.

TREATY OF PEACE WITH GERMANY.

Mr. LENROOT. Mr. President, I desire to occupy only one or two minutes of the time of the Senate to make a few observations upon the speech of President Wilson at Salt Lake City night before last.

In the speech President Wilson referred in very emphatic terms to article 10 of the treaty as being the heart of the covenant. Since the President began his transcontinental journey the heart of this covenant has suffered several displacements. When the President spoke in Indianapolis on September 4 he said:

The heart of the covenant of the league is that the nations solemnly covenant not to go to war for nine months after a controversy becomes acute.

A little later the heart of the covenant was transferred to article 11, and now we find him stating that it is in article 10.

In the speech at Salt Lake City, after making some comment upon the effect of reservations, concerning which I do not wish to take the time to discuss now, he said:

And in order to bring this matter, to put this matter in such a shape as will lend itself to a concrete elucidation, let me read you what I understand is a proposed form of reservation:

NO OBLIGATION UNDER ARTICLE 10.

"The United States assumes no obligation under the provisions of article 10 to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, whether members of the league or not, or to employ military and naval forces of the United States under any article for any purpose unless in any particular case that Congress, which under the Constitution has the sole power to declare war or authorize the employment of military and naval forces of the United States, shall by act or joint resolution so declare."

He then goes on:

Now, my fellow citizens [applause]. Now, wait a minute. You want to applaud that. Wait until you understand the meaning of it, and if you have a knife in your hands with which you intend to cut out the heart of this covenant, applaud; but if you want the covenant to have a heart in it and want it to have a purpose in it, want it to be something subscribed to by a red-blooded nation, withhold your applause. Understand this thing before you form your sentiment with regard to it. This is a rejection of the covenant. This is an absolute refusal to carry any part of the same responsibility that the other members of the league carry.

Mr. President, I do not know where the President secured this proposed form of reservation. It certainly has not been proposed to the Senate thus far. But I rise for the purpose of saying that unless a reservation substantially such as that read by the President is incorporated as a part of the ratification resolution, this peace treaty is not, in my judgment, going to be ratified by the Senate.

I wish to go on and quote a little further from his speech. Referring to article 10 he said:

This is the heart of the covenant. And what are these gentlemen afraid of? Nothing can be done under that article of the treaty without the consent of the United States. I challenge them to draw any other deduction from the provisions of the covenant itself.

He says that "nothing can be done without the consent of the United States." In his Indianapolis speech he said, speaking of this covenant:

There is in that covenant not only not a surrender of the independent judgment of the Government of the United States, but an expression of it, because that independent judgment would have to join with the judgment of the rest.

The President of the United States must take one of the two horns of the dilemma that he is in. If the United States remains a free agent under the provisions of the article as it stands, the reservation that is proposed can not cut the heart out of the covenant. If it is a free agent, it can do no harm. If it is not a free agent, then the President—I do not say intentionally—has been misstating to the country the effect of article 10.

It is true, technically speaking, that before the United States can engage in war, under the provisions of the Constitution Congress must give its consent; but the President of the United States is asking us now, in ratifying this treaty with article 10 in it in its present form, to pledge the solemn word of the United States that whenever the occasion arises it will engage in war, if necessary, to preserve the territorial integrity of any member of the league from external aggression.

The President upon another occasion sought to convey the impression that the United States could only act upon the advice of the council, when the President must know that the undertaking in article 10 to respect and preserve the territorial integrity and political independence of every member of the league against external aggression is a promise irrespective of any advice of the council. If we enter into the covenant in its present form and the territorial integrity of any nation is destroyed, the United States must, to the full extent of its last man and its last dollar, in keeping with its promise, restore that integrity or else be in the same position that Germany was in in violating the neutrality of Belgium, and the United States would be in the position of treating this treaty as a mere scrap of paper.

Mr. President, the people of this country are not in favor of the United States obligating itself to use the military and naval forces of the United States for any purpose. They are not in favor of our binding ourselves to preserve the territorial integrity of any other member of the league. And, Mr. President, when we come to the final consideration of this question, if I, as one Senator, must choose between voting for the ratification of the treaty as it is and obligating the people of this country to engage in war against their will and voting for the rejection of the treaty, I shall unhesitatingly vote for the rejection of the treaty.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, it is now after 5 o'clock. I understand there are some nominations to be considered, and I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Friday, September 26, 1919, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 25, 1919.

MEMBER OF THE FEDERAL TRADE COMMISSION.

Houston Thompson to be a member of the Federal Trade Commission.

PUBLIC LANDS SERVICE.

SURVEYOR GENERAL.

Robert J. Sommers to be surveyor general of Alaska.

RECEIVER OF PUBLIC MONEYS.

William Kerr Patterson to be receiver of public moneys at Guthrie, Okla.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE REGULAR ARMY.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Eugene R. Guild,
Second Lieut. Thomas R. Lannon,
Second Lieut. Leslie W. Jefferson,
Second Lieut. Luther O. Leach,
Second Lieut. James D. Jones,
Second Lieut. Isaac Wynne, jr.,
Second Lieut. John R. Embich,
Second Lieut. Ernest W. Soucy,
Second Lieut. Donald B. Hilton,
Second Lieut. Ralph E. Hill,
Second Lieut. Francis L. Christian,
Second Lieut. Maitland Bottoms,
Second Lieut. William R. Epes,
Second Lieut. Charles H. Stewart,
Second Lieut. Joseph E. Simmons,
Second Lieut. Hal F. Corry,
Second Lieut. Martin A. Hayes,
Second Lieut. Edward R. Holland, jr.,
Second Lieut. John W. Russey,
Second Lieut. James D. McIntyre,
Second Lieut. Harry W. Lins,
Second Lieut. Bryan L. Milburn,
Second Lieut. Frederick H. Bachman,
Second Lieut. Bradley J. Saunders,
Second Lieut. Herbert C. Bartlett,
Second Lieut. Nyal L. Adams,
Second Lieut. Charles M. Dale,
Second Lieut. William A. Clark, jr.,
Second Lieut. William W. Dinsmore,
Second Lieut. Arthur Duffy,
Second Lieut. Ellsworth Young,
Second Lieut. John W. Fuchs,
Second Lieut. Thomas R. Bartlett,
Second Lieut. James L. D. Corey,
Second Lieut. Frank H. Pritchard,
Second Lieut. Stanley H. Franklin,
Second Lieut. Raymond W. Symonds,
Second Lieut. Thomas S. McConnell,
Second Lieut. Detlow M. Marthinson,
Second Lieut. Jerry V. Matejka,
Second Lieut. Edwin E. Aldrin,
Second Lieut. Thomas L. Cleaton,
Second Lieut. Charles L. Miller,
Second Lieut. Milton Heilfron,
Second Lieut. Adam J. Bennett,
Second Lieut. William Hesketh,

Second Lieut. Harry J. Rice,
Second Lieut. John A. O'Leary,
Second Lieut. Joseph W. Vann,
Second Lieut. Guy E. Cate,
Second Lieut. Lloyd M. Hanna,
Second Lieut. Severn P. C. Duvall,
Second Lieut. Hiram H. Maynard,
Second Lieut. George W. Dunn, jr.,
Second Lieut. James W. Walters,
Second Lieut. Richard C. Coupland,
Second Lieut. William J. Burke,
Second Lieut. George H. Tilghman,
Second Lieut. George W. Brent,
Second Lieut. Daniel W. Hickey, jr.,
Second Lieut. Thomas A. Jones, jr.,
Second Lieut. Stapleton C. Deitrick,
Second Lieut. Elvin L. Barr,
Second Lieut. James E. Troupe,
Second Lieut. Douglas E. Morrison,
Second Lieut. Ray O. Edwards, and
Second Lieut. Thomas E. Jeffords.

FIELD ARTILLERY.

To be first lieutenants.

Second Lieut. Donald J. Cranston,
Second Lieut. Josef R. Sheetz,
Second Lieut. Hugh St. C. Clarke,
Second Lieut. George G. Witter,
Second Lieut. Elmer J. Gray,
Second Lieut. Alfred P. Kelley,
Second Lieut. Oliver F. Marston,
Second Lieut. Clarence C. Park,
Second Lieut. Maurice R. Harrison,
Second Lieut. Fred B. Lyle,
Second Lieut. Zim E. Lawhon,
Second Lieut. Fletcher S. Riley,
Second Lieut. Willoughby T. Cooke, jr.,
Second Lieut. Harding C. Woodall,
Second Lieut. John W. McCaslin,
Second Lieut. John H. Keatinge,
Second Lieut. Julian Bobbs,
Second Lieut. James W. Andrews,
Second Lieut. Carlton B. Rettig,
Second Lieut. Kirk W. Howry,
Second Lieut. Frederic A. Metcalf,
Second Lieut. Thomas W. Wilmer,
Second Lieut. Hudson Burr,
Second Lieut. William R. Philp,
Second Lieut. Edward T. Kirkendall,
Second Lieut. Herbert W. Nauts,
Second Lieut. Walter H. Soderholm,
Second Lieut. John M. De Bell,
Second Lieut. Edward C. Thayer,
Second Lieut. Clyde B. Sturtz,
Second Lieut. Vennard Wilson,
Second Lieut. John B. Barnwell,
Second Lieut. Albert W. Long,
Second Lieut. Robert M. Barnett,
Second Lieut. Charles A. Staebler,
Second Lieut. Percy C. Fleming,
Second Lieut. Paul B. Shearer,
Second Lieut. Samuel C. Almy,
Second Lieut. John F. Roehm,
Second Lieut. John T. Shea,
Second Lieut. Chilton R. Cabot,
Second Lieut. Nathan D. Gordon,
Second Lieut. Robert T. Staples,
Second Lieut. Howell R. Hanson,
Second Lieut. George R. Hayman,
Second Lieut. Howard E. Camp,
Second Lieut. Samuel C. Gale,
Second Lieut. Allan B. Smith,
Second Lieut. Allie W. Miller,
Second Lieut. Lloyd S. Partridge,
Second Lieut. Harold W. Blakeley,
Second Lieut. George Etter,
Second Lieut. Willie C. White,
Second Lieut. Charles B. Arthur, jr.,
Second Lieut. Davis J. Cloward,
Second Lieut. Leon Dessez,
Second Lieut. Henry P. Taylor,
Second Lieut. Armin A. Uebelacker,
Second Lieut. Frederick D. Sharp,
Second Lieut. Yssel Y. Young,
Second Lieut. James G. Watkins,
Second Lieut. Paul M. Arnold,
Second Lieut. William S. Jacobs,
Second Lieut. John P. Crehan,
Second Lieut. Samuel O. Taylor,
Second Lieut. Donald S. McConnaughy,
Second Lieut. James Taylor,
Second Lieut. Alfred G. Ford,
Second Lieut. George W. Norrick,
Second Lieut. Samuel White, jr.,
Second Lieut. Lynn Helm, jr.,
Second Lieut. Edward R. Roberts,
Second Lieut. Ansel G. Wineman,
Second Lieut. Stewart F. Miller,
Second Lieut. Irvin H. Zeliff,
Second Lieut. Benson G. Scott,
Second Lieut. Ralph Hirsch,
Second Lieut. David B. Kinne, jr.,
Second Lieut. Robert V. Maraist,
Second Lieut. Nathan W. Gillette,
Second Lieut. Edwin S. Brewster, jr.,
Second Lieut. Melvin L. Craig,
Second Lieut. Earl G. Wagner,
Second Lieut. Samuel A. Palmer, and
Second Lieut. John C. Moses.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Arwed C. Baltzer,
Second Lieut. James W. Ewing,
Second Lieut. Wallace Van Cleave,
Second Lieut. Richard E. Tallant,
Second Lieut. Henry H. Cheshire,
Second Lieut. John S. Peters,
Second Lieut. Herbert L. Earnest,
Second Lieut. Verne Austin,
Second Lieut. Willis H. Ryder,
Second Lieut. Guy E. Dillard,
Second Lieut. Ray T. Maddocks,
Second Lieut. Thomas A. Frazier,
Second Lieut. Victor R. Sladek,
Second Lieut. Richard N. Atwell,
Second Lieut. Thomas B. Locke,
Second Lieut. Morris S. Daniels, jr.,
Second Lieut. Roger W. Sawyer,
Second Lieut. John H. Welsh,
Second Lieut. Edwin J. Kratzenberg,
Second Lieut. Robert D. Coye,
Second Lieut. John O. Lawrence,
Second Lieut. Charles W. Glover,
Second Lieut. John K. Gailey, jr.,
Second Lieut. Charles R. Simmons,
Second Lieut. James Van V. Shufelt,
Second Lieut. Herbert A. Welch,
Second Lieut. Hobart R. Gay,
Second Lieut. Rutherford L. Hammond,
Second Lieut. Raymond G. Clark,
Second Lieut. Elisha C. Wattles,
Second Lieut. Parker G. Tenney,
Second Lieut. Mordaunt V. Turner,
Second Lieut. Norman E. Waldron,
Second Lieut. Herbert J. Burke, and
Second Lieut. Leo L. Gocker.

INFANTRY.

To be captains.

First Lieut. Arthur P. Jervey and
First Lieut. John T. Fisher.

To be first lieutenants.

Second Lieut. Wilbur C. Herbert,
Second Lieut. William M. Smith, jr.,
Second Lieut. Ray E. Porter,
Second Lieut. Frank E. Barber,
Second Lieut. John E. Brannan,
Second Lieut. George W. Brodie, jr.,
Second Lieut. William J. Devine,
Second Lieut. Charles C. Brooks,
Second Lieut. William V. Rattan,
Second Lieut. Rosswell E. Hardy,
Second Lieut. Herron W. Miller,
Second Lieut. Maurice R. Fitts,
Second Lieut. Marvin R. Dye,
Second Lieut. William I. Truitt,
Second Lieut. Lloyd Zuppann,
Second Lieut. John K. Rice,
Second Lieut. Hammond D. Birks,
Second Lieut. James H. Hagan,
Second Lieut. Lester S. Ostrander,

Second Lieut. Arthur B. Jopson,
Second Lieut. Charles P. Cullen,
Second Lieut. Roscoe B. Ellis,
Second Lieut. Edward G. Perley,
Second Lieut. Frank M. Conroy,
Second Lieut. Charles S. Johnson,
Second Lieut. Hugh A. Wear,
Second Lieut. George A. Miller,
Second Lieut. David Loring, jr.,
Second Lieut. Stockbridge C. Hilton,
Second Lieut. Jay M. Fields,
Second Lieut. George A. Horkan,
Second Lieut. Samuel C. Thompson,
Second Lieut. Harry W. Caygill,
Second Lieut. Emery St. George,
Second Lieut. James E. Jeffres,
Second Lieut. Harry E. Storms,
Second Lieut. Orlo H. Quinn,
Second Lieut. Ernest R. Hoftyzer,
Second Lieut. Lewis A. Page,
Second Lieut. John M. Battle,
Second Lieut. William R. Silvey,
Second Lieut. Alexander O. Gorder,
Second Lieut. Forrest A. Roberts,
Second Lieut. Alonzo F. Myers,
Second Lieut. Thomas E. Martin,
Second Lieut. Thomas J. Guilbeau,
Second Lieut. Milo V. Buchanan,
Second Lieut. Kearie L. Berry,
Second Lieut. William E. Chickering,
Second Lieut. Wilbur R. McReynolds,
Second Lieut. David D. Barrett,
Second Lieut. Arthur D. Fay,
Second Lieut. William B. Pitts,
Second Lieut. Thomas H. Ramsey,
Second Lieut. Gaillard Pinckney,
Second Lieut. Benjamin F. O'Connor, jr.,
Second Lieut. Fred C. Milner,
Second Lieut. William P. Driskell, jr.,
Second Lieut. George K. Bowden,
Second Lieut. Francis M. Darr,
Second Lieut. William C. Webster,
Second Lieut. Frederick W. Wendt,
Second Lieut. William C. Thurman,
Second Lieut. Charles F. Craig,
Second Lieut. Oscar K. Wolber,
Second Lieut. Karl E. Henion,
Second Lieut. Thomas L. Creekmore,
Second Lieut. George O. Clark,
Second Lieut. William C. Stettinius,
Second Lieut. Russell J. Potts,
Second Lieut. William H. Craig,
Second Lieut. John R. Schwartz,
Second Lieut. Thaddeus C. Knight,
Second Lieut. Ollie W. Reed,
Second Lieut. Frank E. Boyd,
Second Lieut. Louis W. Maddox,
Second Lieut. Clark O. Tayntor,
Second Lieut. Ernest E. Stansbery,
Second Lieut. John C. Glithero,
Second Lieut. W. Fulton Magill, jr.,
Second Lieut. Harry Curry,
Second Lieut. Millard F. Staples,
Second Lieut. Walter B. Fariss,
Second Lieut. Robert J. Wagoner,
Second Lieut. William E. Vernon,
Second Lieut. George F. Herrick,
Second Lieut. Joseph W. McCall, jr.,
Second Lieut. Clive A. Wray,
Second Lieut. Thomas B. Steel,
Second Lieut. Harold H. White,
Second Lieut. Everett Busch,
Second Lieut. Frank L. Scott,
Second Lieut. John W. Heisse,
Second Lieut. Max Bernstein,
Second Lieut. Hreschel V. Johnson,
Second Lieut. William B. Clark,
Second Lieut. Stewart D. Hervey,
Second Lieut. James L. Blanding,
Second Lieut. Frank J. Pearson,
Second Lieut. J. Gordon Hussey,
Second Lieut. Lester T. Miller,
Second Lieut. Leo Donovan,
Second Lieut. Frank W. Hayes,
Second Lieut. Richard L. Holbrook,
Second Lieut. James K. Hoyt, jr.,
Second Lieut. Julian G. Hart,
Second Lieut. John T. Sunstone,
Second Lieut. Arthur B. McDaniel,
Second Lieut. Randall T. Kendrick,
Second Lieut. Percy McC. Vernon,
Second Lieut. Milton Whitney, jr.,
Second Lieut. Emile J. Boyer,
Second Lieut. Harry M. Bardin,
Second Lieut. Leander F. Conley,
Second Lieut. Peter J. Lloyd,
Second Lieut. Lewis B. Cox,
Second Lieut. Theodore M. Cornell,
Second Lieut. Launcelot M. Blackford,
Second Lieut. Frederick W. Deck,
Second Lieut. Fernand G. Dumont,
Second Lieut. Joseph H. Payne,
Second Lieut. Paul V. Kellogg,
Second Lieut. Landon D. Wythe,
Second Lieut. Giles F. Ewing,
Second Lieut. Fred W. King,
Second Lieut. Ivy W. Crawford,
Second Lieut. Bernard M. Barcalow,
Second Lieut. Jesse B. Smith,
Second Lieut. John R. Hodge,
Second Lieut. Arthur R. Walk,
Second Lieut. Leslie E. Toole,
Second Lieut. Lewis A. List,
Second Lieut. James F. Johnson, jr.,
Second Lieut. Francis M. Brady,
Second Lieut. Eubert H. Malone,
Second Lieut. Wayne W. Schmidt,
Second Lieut. James F. Butler,
Second Lieut. Herbert G. Peterson,
Second Lieut. Truman M. Martin,
Second Lieut. Warner B. Van Aken,
Second Lieut. Richard G. Plumley,
Second Lieut. Charles R. Davis,
Second Lieut. Cecil L. Rutledge,
Second Lieut. Theodore C. Gerber,
Second Lieut. Charles J. McCarthy, jr.,
Second Lieut. James N. McClure,
Second Lieut. Garth B. Haddock,
Second Lieut. Lawrence L. W. Meinzen,
Second Lieut. George LeC. Ramsey,
Second Lieut. John J. Albright,
Second Lieut. Robert J. King,
Second Lieut. Raymond E. Vermette,
Second Lieut. Alexander Adair,
Second Lieut. Grant A. Schlieker,
Second Lieut. Burnett F. Treat,
Second Lieut. William G. Hilliard, jr.,
Second Lieut. Albert C. Cleveland,
Second Lieut. Leslie M. Skerry,
Second Lieut. Walter C. Phillips,
Second Lieut. Anthony J. Touart,
Second Lieut. Henry P. Gray,
Second Lieut. Dan H. Riner,
Second Lieut. Robert M. Browning,
Second Lieut. Arthur E. Easterbrook,
Second Lieut. Harry J. Collins,
Second Lieut. Edgar V. Maher,
Second Lieut. Henry P. Hallowell,
Second Lieut. Chester F. Price,
Second Lieut. Harley M. Kilgore,
Second Lieut. William R. Jutte,
Second Lieut. Plautus I. Lipsey,
Second Lieut. Henry I. Eager,
Second Lieut. Thomas H. Frost,
Second Lieut. Robert E. Archibald,
Second Lieut. Buhl Moore,
Second Lieut. Felix T. Simpson,
Second Lieut. Chauncey V. Crabb,
Second Lieut. Harry J. Rockafeller, jr.,
Second Lieut. Frank C. David,
Second Lieut. Adrian R. Brian,
Second Lieut. Burton L. Lucas,
Second Lieut. Elijah G. Arnold,
Second Lieut. Walter R. Ketcham,
Second Lieut. George S. Wear,
Second Lieut. Wilbur F. Littleton,
Second Lieut. Walter T. Scott,
Second Lieut. Elizur K. H. Fessenden,
Second Lieut. John E. Curran,
Second Lieut. John W. O'Daniel,
Second Lieut. Frederick Winant, jr.,
Second Lieut. Smith G. Fallaw,

Second Lieut. Walter E. Perkins,
Second Lieut. Joseph R. Busk,
Second Lieut. Andrew L. Cooley,
Second Lieut. Harry F. Thompson,
Second Lieut. Leonard C. Barrell,
Second Lieut. James A. McCarthy,
Second Lieut. Carl McK. Innis,
Second Lieut. William H. Allen,
Second Lieut. Faxon H. Bishop,
Second Lieut. Benjamin W. Pelton,
Second Lieut. Joseph W. McKenna,
Second Lieut. Paul L. Porter,
Second Lieut. Thomas C. Vicars,
Second Lieut. Stanley J. Grogan,
Second Lieut. Robert B. Waters,
Second Lieut. Lloyd B. Jones,
Second Lieut. Stonewall Jackson,
Second Lieut. Henry C. Jordan,
Second Lieut. Robert E. Woodward,
Second Lieut. Gerald Preshaw,
Second Lieut. Harold Q. Moore,
Second Lieut. Reuben S. Parker, jr.
Second Lieut. Ward R. Clark,
Second Lieut. Charles D. Jencks,
Second Lieut. Warner B. Gates,
Second Lieut. Max A. Tuttle,
Second Lieut. Farlow Burt,
Second Lieut. Warren J. Clear,
Second Lieut. Philip H. Didricksen,
Second Lieut. Oscar J. Neundorfer, jr.,
Second Lieut. Frederick A. Norton,
Second Lieut. O. D. Wells,
Second Lieut. Leonard M. Gaines,
Second Lieut. Ross B. Smith,
Second Lieut. Samuel I. Anderson,
Second Lieut. Walter B. Huff,
Second Lieut. Thomas B. Woodburn,
Second Lieut. Thomas K. Johnston,
Second Lieut. James W. Payne,
Second Lieut. William B. Wilson,
Second Lieut. Stanley F. Griswold,
Second Lieut. John T. Dibrell,
Second Lieut. Edmund J. Lilly,
Second Lieut. Cornelius E. Ryan,
Second Lieut. Raymond W. Miller,
Second Lieut. Thomas G. Hannon,
Second Lieut. John E. Hull,
Second Lieut. Charles A. Rawson,
Second Lieut. Barkley E. Lax,
Second Lieut. Earle E. Horton,
Second Lieut. Thomas F. Bresnahan,
Second Lieut. John C. Cleave,
Second Lieut. Koger M. Still,
Second Lieut. Arthur A. Baker,
Second Lieut. Joseph N. Arthur,
Second Lieut. Gillman K. Crockett,
Second Lieut. Thomas E. Roderick,
Second Lieut. Wallace A. Mead, and
Second Lieut. James H. Howe.

PROMOTIONS IN THE REGULAR ARMY.

FIELD ARTILLERY.

To be majors.

Capt. Francis W. Honeycutt,
Capt. Daniel W. Hand,
Capt. Charles S. Blakely, and
Capt. Walter D. Smith.

To be captains.

First Lieut. John O. Hoskins,
First Lieut. William Clarke,
First Lieut. Albert R. Ives,
First Lieut. Arthur Brigham, jr.,
First Lieut. William M. Jackson,
First Lieut. Joseph A. Sheridan,
First Lieut. Hugh C. Minton,
First Lieut. Charles W. Gallaher,
First Lieut. Laurence V. Houston,
First Lieut. Stacy Knopf,
First Lieut. James M. Garrett, jr.,
First Lieut. Eugene H. Willenbucher,
First Lieut. Louis C. Arthur, jr.,
First Lieut. John F. Hubbard,
First Lieut. Robert M. Bathurst,
First Lieut. William H. Saunders,
First Lieut. Charles E. Hurdis,
First Lieut. Henry J. Schroeder,
First Lieut. James K. Tully,
First Lieut. John M. Devine,
First Lieut. Harold A. Nisley,
First Lieut. James L. Guion,
First Lieut. George D. Wahl,
First Lieut. Basil H. Perry, and
First Lieut. Ray H. Lewis.

COAST ARTILLERY CORPS.

To be captain.

First Lieut. William R. Stewart.

CAVALRY ARM.

To be captains.

First Lieut. John M. Jenkins, jr.,
First Lieut. Beverly H. Colner,
First Lieut. Albert D. Chipman,
First Lieut. Arthur H. Truxes,
First Lieut. Gordon J. F. Heron,
First Lieut. Carl C. Krueger,
First Lieut. Hugh M. Gregory,
First Lieut. Oron A. Palmer, and
First Lieut. Stanley Bacon.

INFANTRY ARM.

To be colonels.

Lieut. Col. John B. Bennet,
Lieut. Col. Melville S. Jarvis, and
Lieut. Col. John W. Heavey.

To be lieutenant colonels.

Maj. Lorrain T. Richardson,
Maj. Charles R. Howland,
Maj. Perry L. Miles,
Maj. James A. Lynch, and
Maj. Milton L. McGrew.

To be captains.

First Lieut. Oliver F. Holden,
First Lieut. William H. McCutcheon, jr.,
First Lieut. Beverly G. Chew,
First Lieut. Thomas L. Lamoreux,
First Lieut. Daniel N. Murphy,
First Lieut. Adlai C. Young,
First Lieut. Alexander N. Stark, jr.,
First Lieut. Clinton I. McClure,
First Lieut. Roy C. L. Graham,
First Lieut. George R. Barker,
First Lieut. John E. Gough,
First Lieut. Leonard A. Smith,
First Lieut. John W. Thompson,
First Lieut. Philip Overstreet,
First Lieut. Lara P. Good,
First Lieut. Archie A. Farmer,
First Lieut. Edwin E. Elliott,
First Lieut. Charles S. Ferrin,
First Lieut. George W. Titus,
First Lieut. Robert G. Ervin,
First Lieut. Edward L. McKee, jr.,
First Lieut. Robert W. Nix, jr.,
First Lieut. Lyman L. Parks,
First Lieut. John T. Murray,
First Lieut. Warfield M. Lewis,
First Lieut. Joseph L. Collins,
First Lieut. James O. Green, jr.,
First Lieut. Harold McC. White,
First Lieut. Lincoln F. Daniels,
First Lieut. Frederick A. Irving,
First Lieut. Matthew B. Ridgway,
First Lieut. Richard M. Wightman,
First Lieut. Charles W. Yuill,
First Lieut. William W. Eagles,
First Lieut. Francis A. Markoe, and
First Lieut. John J. McEwan.

MEDICAL CORPS.

First Lieut. Farrar B. Parker to be captain.

POSTMASTERS.

PENNSYLVANIA

Nettie Beatty, Beatty.
Charles W. Blose, Delmont.
Anthony L. Brautegan, Monessen.
Hazel F. Bush, New Florence.
Clarence L. Kamerer, West Newton.